

To: Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Shriner, Paul[Shriner.Paul@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Biddle, Lisa[Biddle.Lisa@epa.gov]; Hoffman, Wendy[Hoffman.Wendy@epa.gov]; Pritts, Jesse[Pritts.Jesse@epa.gov]; Covington, James[Covington.James@epa.gov]; Highsmith, Damon[Highsmith.Damon@epa.gov]; Lewis, Samantha[Lewis.Samantha@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Skane, Elizabeth[Skane.Elizabeth@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Newbold, Steve[Newbold.Steve@epa.gov]; Muellerleile, Caryn[Muellerleile.Caryn@epa.gov]; Jenkins, Robin[Jenkins.Robin@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Tarquinio, Ellen[Tarquinio.Ellen@epa.gov]; Krieger, Andrew[Krieger.Andrew@epa.gov]; Strassler, Eric[Strassler.Eric@epa.gov]; Lalley, Cara[Lalley.Cara@epa.gov]; Senn, John[Senn.John@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; cathy.tortorici@noaa.gov[cathy.tortorici@noaa.gov]; Drew Crane[Drew_Crane@fws.gov]; Pamela Lawrence - NOAA Federal[pamela.lawrence@noaa.gov]; Patrice Ashfield[patrice_ashfield@fws.gov]; Jennifer.Schultz@noaa.gov[Jennifer.Schultz@noaa.gov]; Kristine Petersen - NOAA Federal[kristine.petersen@noaa.gov]; Ron.dean@NOAA.gov[Ron.dean@NOAA.gov]; Souza, Paul[paul_souza@fws.gov]; Frazer, Gary[gary_frazer@fws.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]; Lois Schiffer - NOAA Federal[lois.schiffer@noaa.gov]; Boling, Edward[ted.boling@sol.doi.gov]; hilary.tompkins@sol.doi.gov[hilary.tompkins@sol.doi.gov]; Barsky, Seth (ENRD)[Seth.Barsky@usdoj.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]

From: Wood, Robert

Sent: Tue 6/17/2014 8:22:54 PM

Subject: You are Invited to a Reception for Cooling Water Intakes Final Rule and ESA Consultation
[Cooling Water Intake Final Rule Reception Invitation.pdf](#)

Hi Everybody,

Thanks for your patience, we have now set the date and you are invited to a reception on Tuesday June 24, 2014 at EPA to honor your contribution to the Cooling Water Intake Structures Final Rule and Completion of the Endangered Species Act Consultation. Please see the attached invitation for details and remember to RSVP (acceptances and regrets) using the email address link in the attachment. Thanks, and hope to see you next Tuesday.

Rob

Robert K. Wood, Director
 Engineering and Analysis Division
 U.S. EPA Office of Water
 202-566-1822

To: Edward Boling[ted.boling@sol.doi.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; Sarah Greenberger[sarah_greenberger@ios.doi.gov]; Gary Fraser[gary_fraser@ios.doi.gov]; Nicole Buffa[nicole_buffa@ios.doi.gov]; Peg Romanik[peg.romanik@sol.doi.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Paul Souza[paul_souza@fws.gov]; christine.blackburn@noaa.gov[christine.blackburn@noaa.gov]; Rick Sayers[rick_sayers@fws.gov]
From: Edward Boling
Sent: Tue 1/14/2014 7:48:35 PM
Subject: FW: Invitation: 316b @ Tue Jan 14, 2014 5pm - 5:30pm (ted.boling@sol.doi.gov)
[invite.ics](#)

EPA folks are welcome to gather in my office for the call if you'd like. Avi

-----Original Appointment-----

From: Edward Boling [<mailto:ted.boling@sol.doi.gov>]

Sent: Tuesday, January 14, 2014 1:51 PM

To: Edward Boling; lois.schiffer@noaa.gov; Sarah Greenberger; Gary Fraser; Nicole Buffa; Peg Romanik; Garbow, Avi; Paul Souza; christine.blackburn@noaa.gov; Rick Sayers

Subject: Invitation: 316b @ Tue Jan 14, 2014 5pm - 5:30pm (ted.boling@sol.doi.gov)

When: Tuesday, January 14, 2014 5:00 PM-5:30 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Call In: Non-Responsive (5:00pm EDT)

[more details »](#)

316b

When
Where

Calendar
Who

Tue Jan 14, 2014 5pm - 5:30pm Eastern Time
 Call In: Non-Responsive
 (5:00pm EDT) (<mailto:ted.boling@sol.doi.gov>)
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Kimberly Edwards
lois.schiffer@noaa.gov
 Sarah Greenberger
 Gary Fraser
 Nicole Buffa
 Peg Romanik
garbow.avi@epa.gov
 Paul Souza
christine.blackburn@noaa.gov
 Rick Sayers

Going? **Yes - Maybe - No** [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account garbow.avi@epa.gov because you are an attendee of this event.

To stop receiving future notifications for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

316b**Call In: Non-Responsive****(5:00pm****EDT)****20140114T220000Z****CONFIRMED****PRODID**

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20140114T220000Z

End Date/Time

20140114T223000Z

DTSTAMP

20140114T185029Z

ORGANIZER (CN=Edward Boling)

mailto:ted.boling@sol.doi.gov

UID

cjj15ue3r51lo0qgkmmmpb4hehs@google.com

Attendee

mailto:lois.schiffer@noaa.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee

mailto:sarah_greenberger@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee

mailto:gary_fraser@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee

mailto:nicole_buffa@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee

mailto:peg.romanik@sol.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee <mailto:garbow.avi@epa.gov>
Role REQ-PARTICIPANT
RSVP TRUE

Attendee mailto:paul_souza@fws.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee <mailto:christine.blackburn@noaa.gov>
Role REQ-PARTICIPANT
RSVP TRUE

Attendee <mailto:ted.boling@sol.doi.gov>
Role REQ-PARTICIPANT
RSVP TRUE

Attendee mailto:rick_sayers@fws.gov
Role REQ-PARTICIPANT
RSVP TRUE

CREATED
20140114T154047Z

Description
View your event at http://www.google.com/calendar/event?action=VIEW&eid=Y2pqMTV1ZTNyNTFsbzBxZ2ttbXBiNGhlaHMgZ2FyYm93LmF2aUBlcGEuZ292&tok=MjljdGVkLmJvbGluZ0Bzb2wuZG9pLmdvdml0ZGFhN2FhZjg2MjdmYWVlYWE4Njc5OWRjYmM0NjU5ODE3ODE5ZDc4MDc&ctz=America/New_York&hl=en.

Last Modified
20140114T185028Z

Location
Call In: Non-Responsive (5:00pm EDT)

Sequence Number
0

Status
CONFIRMED

Summary
316b

Time Transparency
OPAQUE

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; gina.jackson@noaa.gov[gina.jackson@noaa.gov];
lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]
From: Penman, Crystal
Sent: Mon 11/4/2013 3:24:23 PM
Subject: Call w/ Lois Schiffer 316 (b)

To: Stoner, Nancy[Stoner.Nancy@epa.gov];
michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]
From: Penman, Crystal
Sent: Mon 11/4/2013 3:20:12 PM
Subject: Call w/ Michael Bean 316 (b)

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Behl, Betsy[Behl.Betsy@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; jennifer.schultz@noaa.gov[jennifer.schultz@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov]; kristine.petesen@noaa.gov[kristine.petesen@noaa.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_ayers@fws.gov[rick_ayers@fws.gov]; drew_crane@fws.gov[drew_crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]

Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Jones, Gail-R[Jones.Gail-R@epa.gov]

Bcc: DCRoomEast2369B/DC-ICC-OW-IO[DCRoomEast2369B@epa.gov]

To: lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; jennifer.schultz@noaa.gov[jennifer.schultz@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov]; kristine.petesen@noaa.gov[kristine.petesen@noaa.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_ayers@fws.gov[rick_ayers@fws.gov]; drew_crane@fws.gov[drew_crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]

Subject: Endangered Species Act Consultation for 316(b) Cooling Water Intake Rule Call in 1-866-

Non-Responsive

Agenda for 8-28-13 316b ESA Consultation.docx
2013_08_28_15_00_18.pdf

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; lois.shiffer@noaa.gov[lois.shiffer@noaa.gov];
 pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov];
 kristine.petersen@noaa.gov[kristine.petersen@noaa.gov];
 helen.golde@noaa.gov[helen.golde@noaa.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov];
 jennifer.schultz@noaa.gov[jennifer.schultz@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov];
 gary.frazer@fws.gov[gary.frazer@fws.gov]; paul.souza@fws.gov[paul.souza@fws.gov];
 patrice.ashfield@fws.gov[patrice.ashfield@fws.gov]; rick.sayers@fws.gov[rick.sayers@fws.gov];
 drew.crane@fws.gov[drew.crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov];
 Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt,
 Julie[Hewitt.Julie@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov];
 Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov];
 Nagle, Deborah[Nagle.Deborah@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Witt,
 Richard[Witt.Richard@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Messier,
 Dawn[Messier.Dawn@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Sawyers,
 Andrew[Sawyers.Andrew@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf,
 Lynn[Zipf.Lynn@epa.gov]; Lape, Jeff[lape.jeff@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov];
 Balserak, Paul[Balserak.Paul@epa.gov]
Cc: Skane, Elizabeth[Skane.Elizabeth@epa.gov]; Sykes, Connie[Sykes.Connie@epa.gov]; Frazer,
 Brian[Frazer.Brian@epa.gov]; Frazer, Gary[gary_frazer@fws.gov];
 paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov];
 Sayers, Rick[rick_sayers@fws.gov]; Crane, Drew[drew_crane@fws.gov]
From: Penman, Crystal
Sent: Mon 7/15/2013 5:06:49 PM
Subject: Endangered Species Act Consultation for 316 (b) Cooling Water Intake Rule
[2013_07_15_13_04_57.pdf](#)

Poc Tome Born

Ex. 6 - Personal Privacy

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; 'lois.schiffer@noaa.gov'[lois.schiffer@noaa.gov]; Born, Tom[Born.Tom@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; 'jeff_underwood@fws.gov'[jeff_underwood@fws.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; 'gary_frazer@fws.gov'[gary_frazer@fws.gov]; 'patrice_ashfield@fws.gov'[patrice_ashfield@fws.gov]; 'd_m_ashe@fws.gov'[d_m_ashe@fws.gov]; 'Sellars, Roslyn'[roslyn_sellars@fws.gov]
Cc: Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Cash, Debbie[Cash.Debbie@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Skane, Elizabeth[Skane.Elizabeth@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]
From: Clark, Donetta
Sent: Wed 4/3/2013 7:57:17 PM
Subject: Endangered Species Act Consultation for 316(B) Cooling Water Intake
[2013_03_28_16_34_45.pdf](#)

Information Update: Escort Point is the East Lobby.

Rescheduled #2 - Location: 1201 Constitution Avenue, NW, EPA East 3233Room

Meeting Logistics/Instructions:

- Enter EPA @ 1201 Constitution Avenue, NW (East lobby)
- Please arrive at least 10-15 minutes earlier due to security check point (which can sometimes be delayed based on guest awaiting clearance)
- Be prepared to be escorted to the meeting, we recommend that they call 202-564-5700 upon arrival, and someone will come to the East lobby.

Please let me know if you have other questions/or concerns.

POC: Julie Hewitt - 202-566-1031

To: Garbow, Avi[Garbow.Avi@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]
From: Neugeboren, Steven
Sent: Thur 5/1/2014 3:29:08 PM
Subject: Call from DOI on 316b

Avi and others – FYI - Hillary Tomkins, DOI Solicitor, called me back because hasn't reached you yet to let us know that today she is getting with FWS to discuss the issue of timing.

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
Cc: Wood, Robert[Wood.Robert@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]
From: Hewitt, Julie
Sent: Mon 4/28/2014 6:38:12 PM
Subject: Ex. 5 - Deliberative

Ex. 5 - Deliberative

Shows edits relative to the version OMB currently has in hand.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 18 2013

OFFICE OF WATER

Donna Wieting
Director, Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, F/PR3
Silver Spring, MD 20910

Gary Frazer
Assistant Director, Endangered Species
United States Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, VA 22203

Subject: Initiation of Formal Consultation on the EPA's Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities

Dear Ms. Wieting and Mr. Frazer:

The U.S. Environmental Protection Agency is requesting formal consultation, pursuant to Section 7(a)(2) of the Endangered Species Act and implementing regulations at 50 CFR § 402.14(c), with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (the Services) on the EPA's "Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities." Pursuant to 40 C.F.R. § 402.12, I have sent under separate cover the EPA's Biological Evaluation. The BE evaluates the potential effects of the EPA's action on listed and proposed species and designated and proposed critical habitat and assesses whether any such species or habitat are likely to be adversely affected by the action.

Thank you for the considerable time and effort that you and your staff have devoted to the informal consultation process that we initiated in July 2012 with NMFS and in October 2012 with FWS, including multiple briefings on the contents of the draft 316(b) rule, discussion of the proposed outline and methodological approach for a biological evaluation, and review of two drafts of the BE.

As we have discussed, the 316(b) rule when promulgated will reduce the current mortality of aquatic organisms, including threatened and endangered species, at cooling water intake structures. The magnitude of mortality reduction, however, will depend on the type, size, and location of facilities, the degree of improvement in CWIS performance required by the rule, the nature and number of T&E species in the vicinity of CWISs, as well as other site-specific factors. Because the 316(b) rule will reduce impacts to listed species from cooling water take structures, the Agency continues to believe that it will not cause adverse effects and will benefit affected

species whether threatened, endangered, or otherwise. Nonetheless, the EPA has decided to request formal consultation to ensure full and expeditious consideration of the impacts to listed species under section 7(a)(2). Consequently, the EPA is requesting initiation of formal consultation under Section 7 of the ESA because, as discussed in the BE, after promulgation and implementation of the 316(b) rule, the rule may allow as many as 215 T&E species and 30 critical habitats of T&E species to continue to be affected.

The sections below provide the necessary information for initiating consultation pursuant to 50 CFR 402.14(c).

I. Description of Agency Actions

The action on which the EPA requests formal consultation is a regulation the EPA is in the process of finalizing, to implement CWA Section 316(b). Section 316(b) requires that the EPA establish standards for cooling water intake structures that reflect the best technology available for minimizing adverse environmental effects. The final rule will be implemented through conditions included in NPDES (National Pollutant Discharge Elimination System) permits, required under section 402 of the CWA, for facilities that withdraw cooling water from waters of the United States.

On April 20, 2011, the EPA published proposed standards for cooling water intake structures at all existing power generating facilities and existing manufacturing and industrial facilities. The proposal included requirements for facilities that have a design intake flow of greater than two million gallons per day from waters of the United States and use at least 25 percent of the water they withdraw exclusively for cooling purposes on an actual intake flow basis. The proposal included provisions to address impingement (pinning of organisms against intake screens) and entrainment (organisms sucked through intake screens). While the proposal included an impingement mortality performance standard, the EPA did not propose uniform entrainment controls. Rather, the EPA proposed that entrainment requirements should be established by NPDES permitting authorities on a site-specific basis. In connection with the development of these requirements, facilities with an average intake flow of more than 125 mgd would need to develop an entrainment characterization study to help permit Directors determine facility-specific entrainment requirements.

The EPA has included in the BE a description of the number of facilities subject to the rule. The EPA has accurate information on the location of electric generators, but does not have complete information on the location of all manufacturing facilities with a CWIS. To compensate for this, the EPA has included information in the BE on all manufacturers in the industries known to use cooling water, even though some of these facilities will not have a CWIS.

II. Description of Action Area

The action area for the 316(b) rule includes “waters of the United States,” defined in 40 CFR§ 122.2 as certain inland waters and the territorial sea extending three miles from shore. As discussed in the BE, the EPA’s analysis examined CWIS impacts and regulatory benefits in seven aquatic study regions: California, North Atlantic, Mid-Atlantic, South Atlantic, Gulf of

Mexico, Great Lakes, and Inland. The study regions were chosen based on regional similarities within ecosystems, aquatic species, and characteristics of commercial and recreational fishing activities. Based on the delineation between marine and freshwater ecosystems, these seven study regions were broadly categorized into Coastal, Great Lakes, and Inland regions.

III. Description of Listed Species or Designated Critical Habitat That May Be Affected

As discussed in the BE, the 316(b) rule is likely to affect 215 T&E species with habitat ranges that overlap with at least one CWIS. Additionally, the critical habitats of 30 T&E species overlap with at least one CWIS. Few data are available for the EPA to estimate the mortality of T&E species at CWISs subject to the 316(b) final rule. Consequently, to assess the potential for impacts of the 316(b) rule on T&E species, the EPA identified current spatial overlap between the locations of CWISs subject to the rule and the location of federally designated critical habitats or habitat ranges of T&E species. The overlap analysis was conducted for all life history stages for all aquatic T&E species with available data. However, due to the uncertainty regarding the location of all CWISs, the EPA was not able to conclusively identify all listed species or associated life stages that could be potentially affected. Accordingly, the EPA followed ESA regulations requiring the assumption of a reasonable worst case analysis when more accurate data are unavailable.

The BE addresses aquatic T&E species as well as aquatic-dependent T&E species which include reptiles, birds, and terrestrial mammals whose diet contains an appreciable proportion of aquatic organisms. These species are likely to be only indirectly affected by the 316(b) rule.

IV. Description of How Agency Actions May Affect Listed Species

The EPA attempted to estimate the changes in mortality as a result of the 316(b) rule for all T&E species. Sufficient data, however, have not been collected at CWISs to estimate the baseline or amount of future reduction in mortality of T&E species. The 316(b) rule, as currently written, would require facilities to collect source water baseline biological characterization data, entrainment biological characterization data, and where applicable, biological performance studies over a two year period prior to submission of an application for a permit. These data will enable permit Directors, and the Services, to determine whether T&E species are present, whether they are being harmed, and to require appropriate CWIS controls.

V. Next Steps

My staff and I have appreciated the positive, collaborative effort among our agencies during the informal consultation process of developing the BE. We look forward to continuing that relationship through formal consultation. Separate from this letter, we are providing you with a predecisional, deliberative copy of the draft 316(b) rule along with a copy of the BE. Additionally, my staff are providing the Services with the raw data files used to produce the BE. As we have discussed, we will schedule reoccurring biweekly meetings with the Services to assist with your preparation of the biological opinion. We will also schedule regular check-in meetings with senior management at our respective agencies to ensure steady progress throughout this consultation.

Please do not hesitate to call me at (202) 566-1822 or Julie Hewitt at (202) 566-1031 if you or anyone on your staff has questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. K. Wood". The signature is stylized with a large, looped "W" and a horizontal line extending to the right.

Robert K. Wood, Director
Engineering and Analysis Division

To: Garbow, Avi[Garbow.Avi@epa.gov]
Cc: Antonipillai, Justin[JAntonipillai@doc.gov]; Lois Schiffer - NOAA Federal[lois.schiffer@noaa.gov]; ted.boling@sol.doi.gov[ted.boling@sol.doi.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Dreher, Robert (ENRD)[Robert.Dreher2@usdoj.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Hilary Tompkins
Sent: Sat 2/8/2014 12:47:15 AM
Subject: Re:

Thank you Avi. We will be reviewing these promptly and available to discuss next week.
Thanks, Hilary

On Feb 7, 2014, at 6:50 PM, "Garbow, Avi" <Garbow.Avi@epa.gov> wrote:

Folks,

I appreciate your patience. We have worked hard to produce appropriate text for the preamble and reg itself that addresses each of the specific points agreed upon by our respective agencies.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Attached, as discussed, are three documents for your review:

Ex. 5 - Deliberative/ Attorney Work Product

Once you and your colleagues have had an opportunity to review, we would be

pleased to schedule a meeting or call to discuss how best to move forward. Again, we very much appreciate the tremendous efforts made by all of our respective staffs – and the professionalism with which we continue to engage – as we aim to finalize the rule and the Biological Opinions.

Regards,

Avi

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

<316(b) draft rule language with ESA changes 2-7.docx>

<316b preamble ESA excerpts 2-7.docx>

<316b Crosswalk of Ex. 5 - Attorney Client with 316b rule and preamble.docx>

To: Garbow, Avi[Garbow.Avi@epa.gov]
Cc: Antonipillai, Justin[JAntonipillai@doc.gov]; ted.boling@sol.doi.gov[ted.boling@sol.doi.gov]; hiliary.tompkins@sol.doi.gov[hiliary.tompkins@sol.doi.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Dreher, Robert (ENRD)[Robert.Dreher2@usdoj.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Lois Schiffer - NOAA Federal
Sent: Sat 2/8/2014 12:03:43 AM
Subject: Re:

Avi thanks for these papers. I will forward to the NOAA team with the understanding that people can work in them Monday and not ivermectin the weekend. I hope we have time to review and talk before any principals' meeting.

Sent from my iPhone

On Feb 7, 2014, at 6:50 PM, "Garbow, Avi" <Garbow.Avi@epa.gov> wrote:

Folks,

I appreciate your patience. We have worked hard to produce appropriate text for the preamble and reg itself that addresses each of the specific points agreed upon by our respective agencies

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

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Ex. 5 - Deliberative/ Attorney Work Product

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Regards,

Avi

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

<316(b) draft rule language with ESA changes 2-7.docx>

<316b preamble ESA excerpts 2-7.docx>

<316b Crosswalk of **Ex. 5 - Attorney Client** with 316b rule and preamble.docx>

To: Antonipillai, Justin[JAntonipillai@doc.gov]; Lois Schiffer - NOAA Federal[lois.schiffer@noaa.gov]; ted.boling@sol.doi.gov[ted.boling@sol.doi.gov]; hiliary.tompkins@sol.doi.gov[hiliary.tompkins@sol.doi.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Dreher, Robert (ENRD)[Robert.Dreher2@usdoj.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Garbow, Avi
Sent: Fri 2/7/2014 11:49:55 PM
[316\(b\) draft rule language with ESA changes 2-7.docx](#)
[316b preamble ESA excerpts 2-7.docx](#)
[316b Crosswalk of Ex. 5 - Attorney Client with 316b rule and preamble.docx](#)

Folks,

I appreciate your patience. We have worked hard to produce appropriate text for the preamble and reg itself that addresses each of the specific points agreed upon by our respective agencies as

Ex. 5 - Attorney Client

Attached, as discussed, are three documents for your review:

Ex. 5 - Deliberative/ Attorney Work Product

Ex. 5 - Deliberative/ Attorney Work Product

Once you and your colleagues have had an opportunity to review, we would be pleased to schedule a meeting or call to discuss how best to move forward. Again, we very much appreciate the tremendous efforts made by all of our respective staffs – and the professionalism with which we continue to engage – as we aim to finalize the rule and the Biological Opinions.

Regards,

Avi

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

To: Garbow, Avi[Garbow.Avi@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]

From: Neugeboren, Steven

Sent: Fri 2/7/2014 10:53:28 PM

Subject: docs for doi and services

Crosswalk of Ex. 5 - Deliberative with 316b rule and preamble redline.docx

Crosswalk of Ex. 5 - Deliberative with 316b rule and preamble.docx

316b preamble ESA excerpts 2-7.docx

316(b) draft rule language with ESA changes 2-7.docx

Avi:

For your note.

We have attached 3 documents.

First, a “crosswalk” that excerpts portions of the rule and preamble that correspond to the elements of the:

Non-Responsive

Second, a copy of the rule language that displays redline/strikeout of changes

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Third, a document that excerpts relevant portions of the preamble, again showing changes from the November version of the preamble which is now at OMB.

For EPA folks

-

Ex. 5 - Attorney Client

Happy weekend.

Steven Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Penn Ave., NW

Washington DC 20460

202-564-5488

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]
From: Garbow, Avi
Sent: Tue 1/14/2014 2:04:07 PM
Subject: Fw: 316b

See below.

From: Boling, Edward <ted.boling@sol.doi.gov>
Sent: Tuesday, January 14, 2014 9:01:58 AM
To: Garbow, Avi
Cc: Lois Schiffer - NOAA Federal; Sarah Greenberger; Christine Blackburn - NOAA Federal
Subject: Re: 316b

Avi - Lois and I would like to have a follow-up discussion with you and your team to help EPA respond the 1/12/14 revisions to our 12/20/13 proposal. We are checking the availability of our people for this afternoon. Is there a time that would work for you and your team (including Ken and Lisa)?

Ted Boling

Deputy Solicitor -- Parks & Wildlife

U.S Department of the Interior

1849 C Street NW

Washington, DC 20240

202-208-4423 (main)

202-208-3125 (direct)

202-208-5584 (fax)

Ted.Boling@sol.doi.gov

On Mon, Jan 13, 2014 at 10:03 AM, Garbow, Avi <Garbow.Avi@epa.gov> wrote:

Folks,

Thanks for sending along the modified concept paper last night. We are reviewing. Ted and I chatted, and are aiming to gather our respective folks on the phone at 2PM for 15-20 minutes to go over the paper prior to OMB meeting.

Ted – assuming this still works, please send along a call-in number to use.
Thanks much.

Avi

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

To:

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Hyun,
 Karen[KHyun@doc.gov]; 'Buffa, Nicole'[nicole_buffa@ios.doi.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov];
 'Blackburn, Christine (Christine.Blackburn@noaa.gov)'[Christine.Blackburn@noaa.gov]; 'Schiffer, Lois
 (Lois.Schiffer@noaa.gov)'[Lois.Schiffer@noaa.gov]; 'Ted Boling
 (Ted.Boling@sol.doi.gov)'[Ted.Boling@sol.doi.gov]; 'Sarah D Greenberger
 (Sarah_Greenberger@ios.doi.gov)'[Sarah_Greenberger@ios.doi.gov]; Garbow,
 Avi[Garbow.Avi@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov];

Ex. 6 - Personal Privacy

Cc: Veney, Carla[Veney.Carla@epa.gov]; Richardson, Elena[Richardson.Elena@epa.gov];
 'gina.jackson@noaa.gov'[gina.jackson@noaa.gov]

From: Jones, Lisa M.

Sent: Mon 1/13/2014 5:41:18 PM

Subject: RE: Waves/Clearances for 3:00 Cooling Water's Meeting

If you noticed that on one of the Waves, Andrei has Howard's last name but I made the correction.

From: Jones, Lisa M.

Sent: Monday, January 13, 2014 12:34 PM

To: Greenawalt, Andrei; McConville, Drew; Utech, Dan G.; Sandler, David; Mancini, Dominic J.; Rackoff,
 Jonathan E.; Cobbina, Awenate; Guzy, Gary S.; Hyun, Karen; 'Buffa, Nicole'; 'Feldt, Lisa'; 'Blackburn, Christine
 (Christine.Blackburn@noaa.gov)'; 'Schiffer, Lois (Lois.Schiffer@noaa.gov)'; 'Ted Boling
 (Ted.Boling@sol.doi.gov)'; 'Sarah D Greenberger (Sarah_Greenberger@ios.doi.gov)'; 'Garbow, Avi
 (Garbow.Avi@epa.gov)'; 'Kopocis, Ken' (Kopocis.Ken@epa.gov); Laity, Jim; Higgins, Cortney; Patel, Manisha
Cc: Veney, Carla; Richardson, Elena (Richardson.Elena@epa.gov); gina.jackson@noaa.gov
Subject: Waves/Clearances for 3:00 Cooling Water's Meeting

Hello,

For non-EOP persons, please take a look at the attached Waves and make sure your name is on the list to access the building. If not, please let me know. Thank you.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Hyun,

Karen[KHyun@doc.gov]; 'Buffa, Nicole'[nicole_buffa@ios.doi.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov];
 'Blackburn, Christine (Christine.Blackburn@noaa.gov)'[Christine.Blackburn@noaa.gov]; 'Schiffer, Lois
 (Lois.Schiffer@noaa.gov)'[Lois.Schiffer@noaa.gov]; 'Ted Boling
 (Ted.Boling@sol.doi.gov)'[Ted.Boling@sol.doi.gov]; 'Sarah D Greenberger
 (Sarah_Greenberger@ios.doi.gov)'[Sarah_Greenberger@ios.doi.gov]; Garbow,
 Avi[Garbow.Avi@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov];

Ex. 6 - Personal Privacy

Cc: Veney, Carla[Veney.Carla@epa.gov]; Richardson, Elena[Richardson.Elena@epa.gov];
 gina.jackson@noaa.gov[ginajackson@noaa.gov]
From: Jones, Lisa M.
Sent: Mon 1/13/2014 5:34:05 PM
Subject: Waves/Clearances for 3:00 Cooling Water's Meeting
WAVES APPOINTMENT STATUS (U# U47196)
WAVES APPOINTMENT STATUS (U# U46699)

Hello,

For non-EOP persons, please take a look at the attached Waves and make sure your name is on the list to access the building. If not, please let me know. Thank you.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 12 2013

In Reply Refer To:
FWS/AES/DER/BCH/055057
2013-F-0004

Mr. Robert K Wood, Director
Engineering and Analysis Division
Office of Water
U.S. Environmental Protection Agency
Washington, District of Columbia 20460

Subject: Request for Initiation of Formal Consultation on Environmental Protection Agency's
Final Regulation to Establish Requirements for Cooling Water Intake Structures at
Existing Facilities and Amend Requirements at Phase I Facilities

Dear Mr. Wood:

This letter acknowledges our receipt of your June 18, 2013, letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act of (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). The consultation will address the possible effects of the Environmental Protection Agency's (EPA) final regulation to implement Section 316(b) of the Clean Water Act on federally threatened and endangered species and their critical habitats.

Your initiation request states that while EPA believes the rulemaking will not cause adverse effects to listed species, EPA is still requesting formal consultation to ensure full and expeditious consideration of impacts to listed species under Section 7(a)(2) of the ESA. We expect to conclude consultation with your agency on October 31, 2013, unless we mutually agree upon an extension of the deadline.

We look forward to working with you and your staff. If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Drew Crane (703-358-2409; Drew_Crane@fws.gov) or Patrice Ashfield (703-358-2478; Patrice_Ashfield@fws.gov).

Sincerely,

Richard E. Sayers, Jr., Ph.D.
Chief, Division of Environmental Review

TAKE PRIDE
IN AMERICA

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]
From: Neugeboren, Steven
Sent: Mon 1/6/2014 3:52:58 PM
Subject: Re: update from avi on 316b

I can be there. Including richard and mary ellen.

From: Kopocis, Ken
Sent: Monday, January 06, 2014 10:44:25 AM
To: Neugeboren, Steven
Subject: RE: update from avi on 316b

Steve,

I scheduled an update meeting for us on Ex. 5 - Deliberative at 11:15 this morning in 3233. Forgot to include OGC. Can you attend?

Ken

From: Neugeboren, Steven
Sent: Monday, January 06, 2014 10:31 AM
To: Kopocis, Ken; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Levine, MaryEllen; Witt, Richard; Wade, Alexis
Subject: update from avi on 316b

Just got a call from Avi and here is the latest from him:

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Steven Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Penn Ave., NW

Washington DC 20460

202-564-5488

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]
From: Neugeboren, Steven
Sent: Mon 1/6/2014 3:36:06 PM
Subject: RE: update from avi on 316b

Ex. 6 - Personal Privacy

Richard can you please take the lead on this.

From: Neugeboren, Steven
Sent: Monday, January 06, 2014 10:31 AM
To: Kopocis, Ken; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Levine, MaryEllen; Witt, Richard; Wade, Alexis
Subject: update from avi on 316b

Just got a call from Avi and here is the latest from him:

- There were be a principles mtg probably early in the week but has not yet been scheduled, likely to include deputy chief of staff at the WH.
- Avi has spoken to Bob Dreher at DOJ; likely they will be called in. Avi asked that I speak with Seth Barsky at DOJ this morning and send him the note Avi sent to the Services. He also asked that I touch base with Jonathon Rackoff at OMB counsel's office

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Steven Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Penn Ave., NW

Washington DC 20460

202-564-5488

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]
Cc: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Spraul, Greg
Sent: Fri 1/3/2014 9:08:56 PM
Subject: RE: follow up from meeting with SEPW minority on **Ex. 5 - Deliberative**

We committed to getting them to SEPW minority by "the first of the year" and Committee staff inquired this morning as to the status of their request. I was going to touch base with Nichole and Laura on Monday to get their counsel.

From: Kopocis, Ken
Sent: Friday, January 03, 2014 4:03 PM
To: Wood, Robert
Cc: Southerland, Elizabeth; Neugeboren, Steven; Spraul, Greg
Subject: RE: follow up from meeting with SEPW minority on **Ex. 5 - Deliberative**

Thanks. Does OCIR believe we have to send them as soon as Monday?

I am not suggesting delay, I am just inquiring.

Ken

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Congressional Liaison

Water, Pesticides, and Toxics Team

Office of Congressional Affairs

U.S. Environmental Protection Agency

email: spraul.greg@epa.gov

Ph: 202.564.0255

To: Kopocis, Ken[Kopocis.Ken@epa.gov]
Cc: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Spraul, Greg[Spraul.Greg@epa.gov]
From: Wood, Robert
Sent: Fri 1/3/2014 8:54:12 PM
Subject: FW: follow up from meeting with SEPW minority on 316(b) and ESA
[316b ESA FWS Response to EPA Consultation Request 071213.pdf](#)
[316b ESA NMFS Response to EPA Consultation Request 072313.pdf](#)
[13-1031 Comments on EPA Biological Evaluation - Final.pdf](#)
[Riverkeeper.pdf](#)
[316b ESA Biological Evaluation v3 June 18 2013 redacted.pdf](#)

Ken,

The attached documents were requested by SEPW in follow up to their meeting with Betsy and Steve on 12/19. I have provided the documents to Greg Spraul in OCIR with the note below. He said he plans to send them Monday. Numbers 3 and 4 are already in the public domain. OGC advises that number 2 is not deliberative because it is from an outside party. FWS advises they consider their letter under number 1 to be releasable to the public and I am awaiting confirmation from NMFS (Monday) whether they consider their letter under number 1 to be releasable and I expect they will confirm that it is.

Rob

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

From: Wood, Robert
Sent: Friday, January 03, 2014 3:18 PM
To: Spraul, Greg
Cc: Levine, MaryEllen; Witt, Richard; Neugeboren, Steven; Southerland, Elizabeth; Wade, Alexis; Hewitt, Julie
Subject: RE: follow up from meeting with SEPW minority on 316(b) and ESA

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Greg

Ex. 5 - Deliberative

Greg Spraul

Congressional Liaison

Water, Pesticides, and Toxics Team

Office of Congressional Affairs

U.S. Environmental Protection Agency

email: spraul.greg@epa.gov

Ph: 202.564.0255



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 12 2013

In Reply Refer To:
FWS/AES/DER/BCH/055057
2013-F-0004

Mr. Robert K Wood, Director
Engineering and Analysis Division
Office of Water
U.S. Environmental Protection Agency
Washington, District of Columbia 20460

Subject: Request for Initiation of Formal Consultation on Environmental Protection Agency's
Final Regulation to Establish Requirements for Cooling Water Intake Structures at
Existing Facilities and Amend Requirements at Phase I Facilities

Dear Mr. Wood:

This letter acknowledges our receipt of your June 18, 2013, letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act of (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). The consultation will address the possible effects of the Environmental Protection Agency's (EPA) final regulation to implement Section 316(b) of the Clean Water Act on federally threatened and endangered species and their critical habitats.

Your initiation request states that while EPA believes the rulemaking will not cause adverse effects to listed species, EPA is still requesting formal consultation to ensure full and expeditious consideration of impacts to listed species under Section 7(a)(2) of the ESA. We expect to conclude consultation with your agency on October 31, 2013, unless we mutually agree upon an extension of the deadline.

We look forward to working with you and your staff. If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Drew Crane (703-358-2409; Drew_Crane@fws.gov) or Patrice Ashfield (703-358-2478; Patrice_Ashfield@fws.gov).

Sincerely,

Richard E. Sayers, Jr., Ph.D.
Chief, Division of Environmental Review





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Silver Spring, MD 20910

Robert K. Wood, Director
 Engineering and Analysis Division
 Office of Water
 Environmental Protection Agency

JUL 23 2013

Dear Mr. Wood:

On June 18, 2013, we received your request for formal consultation on the proposed "Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities," pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). We also received your biological evaluation, the draft regulation, and the draft preamble.

The Environmental Protection Agency (EPA) concluded that its proposed action was "not likely to adversely affect" endangered or threatened species or critical habitat designated for those species. Nonetheless, EPA requested initiation of formal section 7 consultation to ensure full and expeditious consideration of the impacts to listed species and critical habitat. At this time, we do not concur with your determination. After review of the draft proposed regulation and biological evaluation, we have determined that the proposed action is likely to adversely affect listed endangered and threatened species and critical habitat that has been designated for those species. As of June 18, 2013, we confirm initiation of formal consultation and conference (for proposed species) on the issuance and implementation of the proposed regulations, under the Clean Water Act, Section 316(b) (40 CFR 122 and 40 CFR 125).

The ESA requires that after initiation of formal consultation, the Action Agency may not make any irreversible or irretrievable commitment of resources that would preclude the formulation or implementation of any reasonable and prudent alternatives that would avoid violating section 7(a)(2) (50 CFR 402.09). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied (in this instance, the issuance of our biological opinion).

During consultation, we will work with EPA to recommend language to incorporate into its regulation and/or to implement additional activities to minimize impacts of the proposed action on ESA species and critical habitat. As described in our consultation plan, which we provided to you on December 19, 2012 and March 18, 2013, we will evaluate the direct and indirect effects of the action on threatened and endangered species and designated critical habitat. We will use this information, along with the environmental baseline and cumulative effects, to formulate our biological and conference opinion as to whether EPA has insured that its action is not likely to jeopardize the continued existence of any listed or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat.

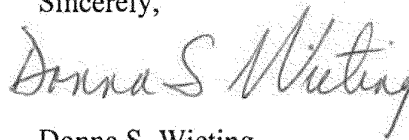


We will deliver our biological and conference opinion ("opinion") to EPA on October 31, 2013, unless we mutually agree upon an extension of the deadline. If we issue a "jeopardy" opinion, it will include a reasonable and prudent alternative(s), unless none exist. The opinion may also include an incidental take statement.

Following the issuance of our opinion, EPA determines whether and in what manner to proceed with the action in light of its section 7 obligations and our conclusions. If we issue a "jeopardy" opinion, EPA must notify us of its final decision on the action. If EPA determines that it cannot comply with the requirements of section 7(a)(2) after consultation, you may apply for an exemption under section 7(g) of the ESA. You are required to request reinitiation of section 7 consultation if: authorized take is exceeded; new information reveals effects that were not previously considered; the action is subsequently modified to cause effects that were not previously considered; or if newly listed species or designated critical habitat may be affected by the action.

If you have any questions, please contact Jennifer Schultz (301-427-8443). We look forward to working with you and your staff on this consultation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna S. Wieting". The signature is fluid and cursive, with the first name "Donna" being more prominent than the last name "Wieting".

Donna S. Wieting
Director
Office of Protected Resources

NOAA FISHERIES ESA SECTION 7 CONSULTATION PLAN

Endangered Species Act Section 7(a)(2) Consultation Plan

ESA Inter-Agency Cooperation Division, Office of Protected Resources, NOAA Fisheries
18 March 2013

Overview of Formal Consultation

Section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. § 1536(a)(2)) requires every Federal agency to insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The ESA requires that each Federal agency review its action at the earliest possible time to determine whether any action may affect listed species or critical habitat. If the action is likely to adversely affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)). To request initiation of formal consultation, the agency must submit a written request, including (50 CFR 402.14(c)):

- ∞ A description of the action to be considered;
- ∞ A description of the specific area that may be affected by the action;
- ∞ A description of any listed species or critical habitat that may be affected by the action;
- ∞ A description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects, which are the effects of future State or private activities that are reasonably certain to occur within the action area (50 CFR 402.02);
- ∞ Relevant reports, including any environmental impact statement, environmental assessment, or biological assessment prepared; and
- ∞ Any other relevant available information on the action, the affected listed species, or critical habitat.

To adequately review the effects an action may have on listed species, the Federal agency is required to provide the best scientific and commercial data available (50 CFR 402.14(d)). This information may include the results of studies or surveys conducted by the Federal agency as well as data that become available after consultation is initiated.

Upon receipt of a complete initiation request package, we will initiate formal consultation. We will conduct the consultation, as described below in our *Approach to the Consultation*. Within 135 days after initiation, we will deliver a biological opinion to the Federal agency, unless NMFS and the Action agency mutually agree on an extension. As described below, the biological opinion will include our opinion on whether the action is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat; a “jeopardy” biological opinion will include reasonable and prudent alternatives unless we are unable to develop such alternatives.

After initiation and until the requirements of section 7 (a)(2) are completed, the Federal agency must not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives, if required (50 CFR 402.09); i.e., the Federal agency must consult with us in good faith and refrain from conducting the proposed action until completion of the consultation (e.g., the issuance of the biological opinion).

Approach to the Consultation

Section 7(a)(2) requires every Federal agency, in consultation with and with the assistance of NOAA Fisheries, to insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. Our responsibilities during formal consultation are described under 50 CFR 402.14(g).

During the consultation, we first review all relevant information provided by the Federal agency to describe the action, which includes interrelated and interdependent actions. Interrelated actions are part of a larger action and depend on the larger action for their justification. Interdependent actions have no independent utility apart from the proposed action. We also delineate the action area, which includes all areas affected directly and indirectly by the action.

Second, we evaluate the current status of listed species and critical habitat that occur within the action area. We also evaluate the environmental baseline (i.e., past and present anthropogenic impacts within the action area) to determine how species and critical habitat are likely to be affected by the action.

Third, we evaluate the direct and indirect effects of the action on listed species and critical habitat. Indirect effects are caused by the proposed action and are later in time, but still are reasonably certain to occur. We assess the exposure to physical, chemical, or biotic stressors produced by the proposed action, whether such exposure is likely to reduce the survival and reproduction of individuals, and whether fitness reductions would threaten the viability of populations and species. We assess whether the action is likely to reduce the conservation value of critical habitat. We also evaluate the cumulative effects of non-Federal activities (i.e., State and private) that are reasonably certain to occur within the action area.

Fourth, we use the above steps to formulate our biological opinion. We discuss our evaluation and the basis of our opinion with the Federal agency. If a jeopardy opinion is to be issued, we will utilize the expertise of the Federal agency in identifying reasonable and prudent alternatives that the agency can take to avoid jeopardy (50 CFR 402.14(g)(5)).

These steps alone are insufficient, however, when a Federal agency authorizes, funds or carries out many similar actions over large geographic areas and long periods of time through the establishment of programs, issuance and implementation of general permits, regulation promulgation, and/or the establishment of mandated standards. These actions may involve substantial uncertainty about the number, location, timing, frequency, and intensity of effects. Therefore, we conduct a programmatic consultation to evaluate whether the Federal agency has insured that its program, permit, regulation, or standard (hereafter, programmatic action) is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. During a programmatic consultation, we ask the following questions:

- a) Has the agency structured the proposed programmatic action so it will know or be able to reliably estimate the probable number, location, and timing of activities that will be authorized, funded, or carried out under the programmatic action?
- b) Has the agency structured the proposed programmatic action so it will know or reliably estimate the physical, chemical, or biotic stressors that are likely to be produced as a direct or

indirect result of activities that would be authorized, funded, or carried out under the programmatic action?

- c) Has the agency structured the proposed programmatic action to minimize likely adverse effects of such activities on ESA listed species and designated critical habitat?
- d) Has the agency structured the proposed programmatic action to inform, encourage, and screen applicants for potential eligibility under the programmatic action?
- e) Has the agency structured the proposed programmatic action to continuously monitor and evaluate likely adverse affects on listed species and critical habitat?
- f) Has the agency structured the proposed programmatic action to encourage, monitor/evaluate, and enforce compliance?
- g) Has the agency structured the proposed programmatic action to allow it to change its action or requirements if deemed necessary to minimize unanticipated impacts on listed species and critical habitat?

The Federal agency must demonstrate that it has insured that its proposed action is not likely to jeopardize the continued existence of ESA-listed species or result in the destruction or adverse modification of critical habitat. To do so, the Federal agency must: (1) design the action to minimize impact to listed species and designated critical habitat; (2) continually monitor impacts (or proxies) resulting from the action; (3) continually evaluate impacts on listed resources; and (4) have a mechanism to change the action if necessary to avoid impacts that are likely to jeopardize listed species or destroy/adversely modify designated critical habitat.

Biological Opinion

Generally, we conclude our section 7 consultations by delivering a formal, written biological opinion, which includes a summary of the information we used in the consultation, a detailed discussion of the effects of the action on listed species and critical habitat, and our conclusion. If we conclude that the Federal agency has failed to insure its action is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat, we will include reasonable and prudent alternatives. If we are unable to develop such alternatives, we will indicate that none exists, to the best of our knowledge. If requested, we will provide a draft biological opinion to the Federal agency for the purpose of analyzing the reasonable and prudent alternatives (50 CFR 402.14(g)(5)).

We also issue an incidental take statement where we conclude that an action (or the implementation of any reasonable and prudent alternatives) and the resultant incidental take of listed species will not violate section 7(a)(2), and, in the case of marine mammals, where the taking is authorized pursuant to section 101(a)(5) of the Marine Mammal Protection Act of 1972. In this statement, we will specify:

- ∞ The impact, i.e., the amount or extent, of such incidental taking on the species;
- ∞ Reasonable and prudent measures necessary or appropriate to minimize such impact;
- ∞ Terms and conditions (including, but not limited to, reporting requirements) that must be complied with by the Federal agency or any applicant to implement the reasonable and prudent measures; and

- ∞ Procedures to be used to report, handle, or dispose of any individuals of a species actually taken.

Reasonable and prudent measures, along with the terms and conditions to implement them, may involve only minor changes and cannot alter the basic design, location, scope, duration, or timing of the action. In order to monitor the impacts of incidental take, the Federal agency must report the progress of the action and its impact on the species, as specified in the incidental take statement. If during the course of the action, the amount or extent of incidental take is exceeded, the Federal agency must request reinitiation immediately. Incidental take, reasonable and prudent measures, and terms and conditions are non-discretionary and must be implemented for take to be exempted from ESA section 9 prohibitions.

We may also provide a statement containing discretionary conservation recommendations; these are advisory.

Federal Agency Responsibilities

Following the issuance of our biological opinion, the Federal agency determines whether and in what manner to proceed with the action in light of its section 7 obligations and our conclusions (50 CFR 402.15). If we issue a “jeopardy” biological opinion, the Federal agency must notify us of its final decision on the action. If the Federal agency determines that it cannot comply with the requirements of section 7(a)(2) after consultation, it may apply for an exemption under section 7(g).

The Federal agency is required to request reinitiation of consultation if: authorized take is exceeded; new information reveals effects that were not previously considered; the action is subsequently modified to cause effects that were not previously considered; or if newly listed species or designated critical habitat may be affected by the action.



NOAA
FISHERIES

Endangered Species Act

Section 7 Consultation

ESA Interagency Cooperation Division
Office of Protected Resources
NOAA Fisheries

March 19, 2013

Section 7(a)(2) requires Federal

~~agencies to~~
~~ensure that any~~ action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat.



Section 7(a)(2) Process

ED_000110PST_00001686



NOAA FISHERIES

Not likely to adversely affect, only if

effects:
Beneficial = Positive effects, no adverse effects

- **Discountable = extremely unlikely to occur**
- **Insignificant = impact is small (e.g., no take)**



Formal Consultation (1)

1) Federal agency requests initiation of consultation; this step requires:

- Description of the action
- Description of the specific area(s) affected by the action
- Description of listed species/critical habitat that may be affected by the action
- Description of the manner in which they may be affected by the action
- Analysis of any cumulative effects, which are the effects of future State or private activities that are reasonably certain to occur within the action area
- Relevant reports (BE)
- Other relevant available information (e.g., data on take, facilities, etc.)



Formal Consultation (2)

- 2) Once request package complete, NMFS initiates
- 3) Clock starts ticking: 135 days, unless mutually agreed upon extension
- 4) *NMFS works with Federal agency to avoid jeopardizing species or adversely modifying/destroying critical habitat (e.g., modify action)*
- 5) NMFS issues its biological opinion on whether agency has insured that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse



For Programmatic Consultations

~~We ask~~ ^(73S) if the agency will:

- 1) Know/estimate the number, location, and timing of activities?
- 2) Know/estimate the stressors produced by all activities?
- 3) Minimize likely adverse effects to species/critical habitat?
- 1) Inform, encourage, and screen applicants for potential eligibility?
- 4) Continuously monitor and evaluate likely adverse affects
- 5) Encourage, monitor/evaluate, and enforce compliance?
- 6) Change their action if necessary to minimize unanticipated impacts on listed species and critical



NOAA
habitat?

RPAs and RPMS

- In the event of a jeopardy decision, NMFS will work with Federal agency to develop reasonable and prudent alternatives (RPAs) to the action
- If individuals will be taken incidental to the action, NMFS will issue an Incidental Take Statement, including:
 - Amount or extent of take
 - Reasonable and prudent measures (RPMS)
 - Required terms and conditions
 - Procedures to report, handle, or dispose of individuals



Consultation Follow-up

- Federal agency determines whether and in what manner to proceed with the action
- Reinitiation required if:
 - authorized take is exceeded
 - new information reveals unconsidered effects
 - action modified to cause unconsidered effects
 - newly listed species or designated critical habitat may be affected by the action



To: Feldt, Lisa[Feldt.Lisa@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Veney, Carla[Veney.Carla@epa.gov]; Emerson, Michael[Emerson.Michael@epa.gov]
From: Herckis, Arian
Sent: Fri 12/20/2013 4:39:09 PM
Subject: RE: Time with administrator today

+ Michael

-----Original Message-----

From: Feldt, Lisa
Sent: Friday, December 20, 2013 11:39 AM
To: Garbow, Avi; Herckis, Arian
Cc: Kopocis, Ken; Veney, Carla
Subject: Re: Time with administrator today

Please include Bob as well. Lisa

From: Garbow, Avi
Sent: Friday, December 20, 2013 11:15:18 AM
To: Herckis, Arian
Cc: Kopocis, Ken; Feldt, Lisa; Veney, Carla
Subject: Time with administrator today

Arian,

The administrator has a 4pm (I think) call/meeting with rob nabors re 316b issue. Lisa feldt, ken kopocis, and I would like some time to speak with the administrator in advance of that call to provide her an update on 316b discussions. Thx.

Avi
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To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]
From: Barron, Alex
Sent: Wed 12/18/2013 1:12:49 AM
Subject: 316b

Sorry it took me all day to put digital pen to paper but I spoke to omb this morning. They said that we should have all of their issues in comments from courtney. I emphasized that if there was anything else that we needed to know by the end of the day today. I haven't heard from them since with any new issues.

Ex. 5 - Deliberative

Alexy

To: Kopocis, Ken[Kopocis.Ken@epa.gov]
Cc: Feldt, Lisa[Feldt.Lisa@epa.gov]; Laura Davis[Laura_Davis@ios.doi.gov]
From: Nicole Buffa
Sent: Tue 12/17/2013 6:45:19 PM
Subject: Re: Follow-up on cooling waters

Thanks, Ken. We appreciate the clarification.

On Dec 17, 2013, at 1:43 PM, "Kopocis, Ken" <Kopocis.Ken@epa.gov> wrote:

Nikki,

EPA Office of Water staff are in receipt of language from the Services addressing the intersection of the Clean Water Act and the ESA. I understand that it will be the subject of discussions later today at 3:00. This follows language which EPA provided to the Services late last week.

We at EPA look forward to continuing discussions with the Services on the text and preamble of our rule under Sec. 316(b) of the CWA. Both the text of the rule and the preamble continue to change and evolve through this dynamic process.

I look forward to the successful completion of our discussions.

Ken

To: Kopocis, Ken[Kopocis.Ken@epa.gov];
neugeboren.steve@epa.gov[neugeboren.steve@epa.gov]
From: Southerland, Elizabeth
Sent: Fri 12/13/2013 7:33:20 PM
Subject: RE: Ex. 5 - Deliberative update

Just sent you an email. Call me at 202 566 0328 if you want to discuss.

Elizabeth Southerland, Director
Office of Science & Technology
Office Water
Room 5233A - MC - 4301T
Washington, D. C. 20460
Direct: (202) 566-0328
Fax: (202) 566-0441

-----Original Message-----

From: Kopocis, Ken
Sent: Friday, December 13, 2013 2:25 PM
To: Southerland, Elizabeth; neugeboren.steve@epa.gov
Subject: RE: Ex. 5 - Deliberative update

I will need some update before our call this afternoon, thanks.

-----Original Message-----

From: Southerland, Elizabeth
Sent: Friday, December 13, 2013 12:27 PM
To: Kopocis, Ken; neugeboren.steve@epa.gov
Subject: Ex. 5 - Deliberative update

Ex. 5 - Deliberative

y

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Garbow, Avi
Sent: Thur 12/12/2013 8:32:54 PM
Subject: FW: Next steps
Draft RPA.docx

See below and attached.

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Boling, Edward [mailto:ted.boling@sol.doi.gov]
Sent: Thursday, December 12, 2013 3:32 PM
To: Garbow, Avi
Cc: Lois J. Schiffer
Subject: Re: Next steps

Avi:

Attached, per our conversations, are the current draft RPAs for further discussion. I've heard from Gary Frazer that Rob Wood has scheduled a meeting for tomorrow at 9:30am and that FWS is flying people back from Denver in time for that meeting. Please feel free to call me to discuss. If not reachable at the numbers below, I'm always available at Ex. 6 - Personal Privacy

Best,

Ted Boling

Deputy Solicitor -- Parks & Wildlife

U.S Department of the Interior

1849 C Street NW

Washington, DC 20240

202-208-4423 (main)

202-208-3125 (direct)

202-208-5584 (fax)

Ted.Boling@sol.doi.gov

On Thu, Dec 12, 2013 at 12:04 PM, Boling, Edward <ted.boling@sol.doi.gov> wrote:

Avi - following up on vm, I'd like to touch base with you about transmitting a document to EPA.

I'm available on the direct line below or on cell at Ex. 6 - Personal Privacy

Ted Boling

Deputy Solicitor -- Parks & Wildlife

U.S Department of the Interior

1849 C Street NW

Washington, DC 20240

202-208-4423 (main)

202-208-3125 (direct)

202-208-5584 (fax)

Ted.Boling@sol.doi.gov

To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Ann W Loomis (Services - 6)
Sent: Thur 12/12/2013 6:28:08 PM
Subject: RE: Meeting with MJ Bradley and Associates

I will forward the invite to Carrie Jenks with MJ Bradley Associates. She will join the meeting on Wednesday.

Thanks,
Ann

-----Original Appointment-----

From: Kopocis, Ken [<mailto:Kopocis.Ken@epa.gov>]
Sent: Thursday, December 12, 2013 1:26 PM
To: Ann W Loomis (Services - 6)
Subject: Meeting with MJ Bradley and Associates
When: Wednesday, December 18, 2013 9:00 AM-9:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: EPA 1201 Constitution Ave NW, Washington DC 20004 WJC-E 3219B Please call 202-564-5700

-----Original Message-----

From: Ann W Loomis (Services - 6) [<mailto:ann.w.loomis@dom.com>]
Sent: Thursday, December 12, 2013 9:37 AM
To: Kopocis, Ken; Vaught, Laura
Subject: 316(b) meeting request

Ken,

Carrie Jenks with MJ Bradley and Associates and I would like to meet with you to discuss a couple of final significant 316(b) issues. We have met with OMB and have an understanding of a few provisions that deserve further discussion. Given that Carrie will be flying in from Boston, here are a few times for your consideration:

Tuesday 17th - 4:00 pm
Wednesday 18th - 9:00 am
Thursday 19 - almost any time

Thanks,

Ann

Ann Loomis
Dominion
202-585-4205

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To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Penman, Crystal
Sent: Thur 12/12/2013 6:23:33 PM
Subject: RE: 316(b) meeting request

12/18 @ 9am (45mins)

-----Original Message-----

From: Kopocis, Ken
Sent: Thursday, December 12, 2013 1:13 PM
To: Magruder, DeMara; Penman, Crystal
Subject: FW: 316(b) meeting request

Please make this work.

-----Original Message-----

From: Ann W Loomis (Services - 6) [mailto:ann.w.loomis@dom.com]
Sent: Thursday, December 12, 2013 9:37 AM
To: Kopocis, Ken; Vaught, Laura
Subject: 316(b) meeting request

Ken,

Carrie Jenks with MJ Bradley and Associates and I would like to meet with you to discuss a couple of final significant 316(b) issues. We have met with OMB and have an understanding of a few provisions that deserve further discussion. Given that Carrie will be flying in from Boston, here are a few times for your consideration:

Tuesday 17th - 4:00 pm

Wednesday 18th - 9:00 am

Thursday 19 - almost any time

Thanks,

Ann

Ann Loomis
Dominion
202-585-4205

Sent from my iPad

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To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Stoner, Nancy
Sent: Tue 12/10/2013 3:24:46 PM
Subject: Re: Any news on 316b?

OK, thanks.

From: Kopocis, Ken
Sent: Tuesday, December 10, 2013 10:23:48 AM
To: Stoner, Nancy
Subject: RE: Any news on 316b?

We were supposed to meet with OMB, DoI, DoC, et al today.
Government is closed for slush, so meeting is being rescheduled. Not sure if it will be tomorrow or Thursday.

-----Original Message-----

From: Stoner, Nancy
Sent: Tuesday, December 10, 2013 10:20 AM
To: Kopocis, Ken
Subject: Any news on 316b?

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To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Southerland, Elizabeth
Sent: Wed 12/4/2013 5:33:34 PM
Subject: Fw: Materials for Principals Meeting on 316(b)

From: Feldt, Lisa
 Sent: Wednesday, December 04, 2013 10:58:50 AM
 To: Roberts, Martha; Wood, Robert
 Cc: Hewitt, Julie; Born, Tom; Mary Ellen Levine; Witt, Richard; Wade, Alexis; Southerland, Elizabeth
 Subject: Re: Materials for Principals Meeting on 316(b)

Rob, presume you are putting some words with flow chart. Just talked to Bob, the words really need to

Ex. 5 - Deliberative

Lisa

From: Roberts, Martha
 Sent: Wednesday, December 04, 2013 10:48:10 AM
 To: Feldt, Lisa; Wood, Robert
 Cc: Hewitt, Julie; Born, Tom; Mary Ellen Levine; Witt, Richard; Wade, Alexis; Southerland, Elizabeth
 Subject: RE: Materials for Principals Meeting on 316(b)

Hi all,

Attached are the two flow chart versions.

Thanks,

Martha

-----Original Message-----

From: Feldt, Lisa
 Sent: Wednesday, December 04, 2013 10:39 AM
 To: Wood, Robert
 Cc: Hewitt, Julie; Born, Tom; Mary Ellen Levine; Witt, Richard; Wade, Alexis; Southerland, Elizabeth; Roberts, Martha
 Subject: Re: Materials for Principals Meeting on 316(b)

Martha Roberts will send shortly. There amy be multiple versions so we will have to look through.

From: Wood, Robert
 Sent: Wednesday, December 04, 2013 9:32:55 AM
 To: Feldt, Lisa
 Cc: Hewitt, Julie; Born, Tom; Mary Ellen Levine; Witt, Richard; Wade, Alexis; Southerland, Elizabeth
 Subject: Materials for Principals Meeting on 316(b)

Can you send me the latest flow chart you have? I think Ex. 5 - Deliberative It would
Ex. 5 - Deliberative be very helpful to have this elecronically as we prep meeting materials. Please respond to all. Thanks.
 ÿ

To: Feldt, Lisa[Feldt.Lisa@epa.gov]
Cc: Garbow, Avi[Garbow.Avi@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: McConville, Drew
Sent: Tue 11/19/2013 8:43:22 PM
Subject: RE: 316b

Absolutely. Bad time to start bombarding you on a range of issues, sorry. All the best, Drew

From: Feldt, Lisa [mailto:Feldt.Lisa@epa.gov]
Sent: Tuesday, November 19, 2013 3:39 PM
To: McConville, Drew
Cc: Garbow, Avi; Kopocis, Ken
Subject: RE: 316b

Drew, I am dealing with [Ex. 6 - Personal Privacy] and will need to be out of office for remainder of week. Can you connect with Avi or Ken who I have cc'd here

From: [Ex. 6 - Personal Privacy]
Sent: Tuesday, November 19, 2013 3:37 PM
To: Feldt, Lisa
Subject: 316b

Can give you an status update if you want: [Ex. 6 - Personal Privacy]

To: [Ex. 6 - Personal Privacy]
Cc: Garbow, Avi[Garbow.Avi@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Feldt, Lisa
Sent: Tue 11/19/2013 8:39:04 PM
Subject: RE: 316b

Drew, I am dealing with [Ex. 6 - Personal Privacy] and will need to be out of office for remainder of week. Can you connect with Avi or Ken who I have cc'd here

From: [Ex. 6 - Personal Privacy]
Sent: Tuesday, November 19, 2013 3:37 PM
To: Feldt, Lisa
Subject: 316b

Can give you an status update if you want: [Ex. 6 - Personal Privacy]

To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Feldt, Lisa
Sent: Tue 11/19/2013 6:07:03 PM
Subject: RE: 316 B

Sounds good. It would be good to know if we got any comments related to the [Ex. 5 - Deliberative] I'm sensing that if principals meeting isn't convened soon that Administrator or Bob will reach out to their counterparts directly at DOI and DOC. I'll stay in close contact. Lisa

From: Kopocis, Ken
 Sent: Tuesday, November 19, 2013 12:44 PM
 To: Feldt, Lisa
 Subject: RE: 316 B

We believe we have received all comments, including OMB. Folks are culling through them right now. Most do not appear to be worthy of elevation. I will get another update in a couple of days once they are fully analyzed.
 So, the only reason to reach out to Dom would be to confirm, not to badger. I will do that today.
 Ken

-----Original Message-----

From: Feldt, Lisa
 Sent: Tuesday, November 19, 2013 11:41 AM
 To: Kopocis, Ken
 Subject: RE: 316 B

Thanks. Let me know. If not, I will reach out to Dom or would you like to?

lisa

From: Kopocis, Ken
 Sent: Tuesday, November 19, 2013 11:30 AM
 To: Feldt, Lisa
 Cc: Garbow, Avi
 Subject: RE: 316 B

I have not seen any. Let me check.

-----Original Message-----

From: Feldt, Lisa
 Sent: Tuesday, November 19, 2013 9:51 AM
 To: Kopocis, Ken
 Cc: Garbow, Avi
 Subject: 316 B

Have we received any comments from OMB [Ex. 5 - Deliberative] According to Administrator, Dom agreed to expedite this.

We're hearing from Drew M. that Dan U. Is suggesting a lawyers meeting [Ex. 5 - Deliberative] which both Avi and I don't think is the most expeditious next step. Thx
 y

To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Stoner, Nancy
Sent: Sat 11/2/2013 3:38:21 PM
Subject: Re: Clean versions of the 316(b) Preamble and Rule

I see. Didn't think of that. Don't want to think of it either frankly

From: Kopocis, Ken
Sent: Friday, November 01, 2013 10:27:22 PM
To: Stoner, Nancy
Subject: RE: Clean versions of the 316(b) Preamble and Rule

Ex. 5 - Deliberative

Let's discuss approaches on Monday. I do have some thoughts.

Ken

From: Stoner, Nancy
Sent: Friday, November 01, 2013 8:35 PM
To: Kopocis, Ken
Subject: Fw: Clean versions of the 316(b) Preamble and Rule

Maybe we need to discuss?

From: Wood, Robert
Sent: Friday, November 01, 2013 6:08:19 PM
To: Stoner, Nancy
Subject: Re: Clean versions of the 316(b) Preamble and Rule

From you and Avi would good. In one of my 1-1's with Ken this week I brought it up. He said

Ex. 5 - Deliberative

Robert Wood
Director,
Engineering and Analysis Division
202-566-1822

From: Stoner, Nancy
Sent: Friday, November 01, 2013 5:28:27 PM
To: Wood, Robert
Subject: RE: Clean versions of the 316(b) Preamble and Rule

From whom are you looking for clearance? Me or Avi?

From: Wood, Robert
Sent: Friday, November 01, 2013 5:22 PM
To: Stoner, Nancy; Southerland, Elizabeth
Cc: Neugeboren, Steven
Subject: Re: Clean versions of the 316(b) Preamble and Rule

Nancy, I agree with you that Reed is a real gentleman and that he would likely give us the time. I'm prepared to work with Richard to ask him for that time. Can you just let us know when we are cleared for that date? Then we will go ahead and ask him. Thank you.

Robert Wood
Director,
Engineering and Analysis Division
202-566-1822

From: Stoner, Nancy
Sent: Friday, November 01, 2013 5:13:45 PM
To: Southerland, Elizabeth
Cc: Kopocis, Ken; Wood, Robert; Zipf, Lynn; Neugeboren, Steven; Levine, MaryEllen
Subject: RE: Clean versions of the 316(b) Preamble and Rule

Thanks. I think we should ask for another week from Reed Super and tell him the truth – that we won't be getting the draft BiOp until just before Xmas so we need another week. Reed is one of the nicest people on the planet. I'll bet he gives it to us. I really don't want this team to be further inconvenienced any more than it necessary. Everyone has done such a stellar job.

From: Southerland, Elizabeth

Sent: Friday, November 01, 2013 4:38 PM
To: Barron, Alex; McGartland, Al; Balserak, Paul
Cc: Stoner, Nancy; Kopocis, Ken; Wood, Robert; Zipf, Lynn; Neugeboren, Steven; Levine, MaryEllen
Subject: FW: Clean versions of the 316(b) Preamble and Rule

Here is the clean version of a new 316b preamble and rule to be transmitted to OMB today. We

Ex. 5 - Deliberative

Alex, I assume you or someone from OP will transmit this to OMB after your review. Let us know when you send it to OMB so we can make sure we are all using the new OMB version of the rule.

Elizabeth Southerland, Director

Office of Science & Technology

Office Water

Room 5233A - MC - 4301T

Washington, D. C. 20460

Direct: (202) 566-0328

Fax: (202) 566-0441

From: Zipf, Lynn
Sent: Friday, November 01, 2013 4:29 PM
To: Southerland, Elizabeth
Cc: Wood, Robert; Hewitt, Julie; Matuszko, Jan; Shriner, Paul
Subject: Clean versions of the 316(b) Preamble and Rule

Lynn Zipf, Deputy Director

Engineering and Analysis Division

Office of Science and Technology

Office of Water

EPA West Room 6233A

(202) 564-1509

To: Wood, Robert[Wood.Robert@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Stoner, Nancy
Sent: Sun 10/27/2013 3:21:10 PM
Subject: Slight change of schedule on 316b

The Admin would like to look at them Monday night so we will send to Services and OMB on Tues instead. We will need to get package in her hands before she leaves Monday night

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Peck, Gregory[Peck.Gregory@epa.gov]
Cc: Wood, Robert[Wood.Robert@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
From: Stoner, Nancy
Sent: Wed 9/25/2013 11:19:42 PM
Subject: Re: FWS [Ex. 5 - Deliberative]

OK. You answered my Q in advance. Should we send him a note about FWS?

From: Kopocis, Ken
Sent: Wednesday, September 25, 2013 7:17:15 PM
To: Stoner, Nancy; Peck, Gregory
Cc: Wood, Robert; Southerland, Elizabeth
Subject: Re: FWS [Ex. 5 - Deliberative]

Approval is with Bob right now.

From: Stoner, Nancy
Sent: Wednesday, September 25, 2013 6:58:19 PM
To: Peck, Gregory; Kopocis, Ken
Cc: Wood, Robert; Southerland, Elizabeth
Subject: Re: FWS [Ex. 5 - Deliberative]

Adding Ken and Betsy. Has the revised text gone to OMB yet?

From: Peck, Gregory
Sent: Wednesday, September 25, 2013 4:02:43 PM
To: Stoner, Nancy
Cc: Wood, Robert
Subject: FWS [Ex. 5 - Deliberative]

Gary Frazer just called from FWS about the schedule for completing the B.O. for the 316(b) rule. [Ex. 5 - Deliberative]

[Ex. 5 - Deliberative]

Greg

Gregory E. Peck

Chief of Staff

Office of Water

1200 Pennsylvania Avenue

Washington, D.C. 20460

202-564-5700

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Behl, Betsy[Behl.Betsy@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; jennifer.schultz@noaa.gov[jennifer.schultz@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov]; kristine.petesen@noaa.gov[kristine.petesen@noaa.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_wayers@fws.gov[rick_wayers@fws.gov]; drew_crane@fws.gov[drew_crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]

Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Jones, Gail-R[Jones.Gail-R@epa.gov]

From: Penman, Crystal

Sent: Wed 9/4/2013 3:50:05 PM

Subject: Endangered Species Act Constultation for 316(b) Cooling Water Intake Rule Call in 1-866-299-3188 passcode [Non-Responsive]

[Agenda for 8-28-13 316b ESA Consultation.docx](#)

[2013_08_28_15_00_18.pdf](#)

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Witt, Jon[Witt.Jon@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Lape, Jeff[lape.jeff@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Behl, Betsy[Behl.Betsy@epa.gov]; lois.schiffer@noall.gov[lois.schiffer@noall.gov]; pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov]; kristine.petersen@noall.gov[kristine.petersen@noall.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_sayers@fws.gov[rick_sayers@fws.gov]; drew_crane@fws.gov[drew_crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]

From: Penman, Crystal

Sent: Wed 8/28/2013 12:31:13 PM

Subject: Endangered Species Act Consultation for 316(b) Cooling Water Intake Rule (w/NOAA) 1-866-299-3188 passcode: Non-Responsive

[Agenda for 8-28-13 316b ESA Consultation.docx](#)

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; kristine.petersen@noall.gov[kristine.petersen@noall.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Lape, Jeff[lape.jeff@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov]; gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_sayers@fws.gov[rick_sayers@fws.gov]

From: Penman, Crystal

Sent: Thur 8/22/2013 4:13:12 PM

Subject: Endangered Species Act Consultation for 316(b) Cooling Water Intake Rule (w/NOAA) 1-866-299-3188 passcode Non-Responsive

Per Nancy's request

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; pamelalawrence@noaa.gov[pamelalawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; mikelust@noaa.gov[mikelust@noaa.gov]; kristine.petersen@noaa.gov[kristine.petersen@noaa.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Lape, Jeff[lape.jeff@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_sayers@fws.gov[rick_sayers@fws.gov]; drew_crane@fws.gov[drew_crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Behl, Betsy[Behl.Betsy@epa.gov]

From: Wood, Robert

Sent: Mon 8/19/2013 12:29:25 PM

Subject: RE: Endangered Species Act Consultation for 316(b) Cooling Water Intake Rule (w/NOAA) 1-866-299-3188 passcode [Non-Responsive]

[Agenda for 8-19-13 316b ESA Senior Manager's Check-In Meeting v3.docx](#)

[316\(b\) ESA consultation - EPA's elevation issues 8-16-13 draft v3.docx](#)

Good morning Everybody,

Attached are the agenda and a short issue paper for this morning's 9AM call. Thanks,

Rob

Robert Wood
Director,
Engineering and Analysis Division
Office of Water
202-566-1822

-----Original Appointment-----

From: Stoner, Nancy

Sent: Monday, August 12, 2013 2:30 PM

To: Stoner, Nancy; lois.schiffer@noaa.gov; pamelalawrence@noaa.gov; ron.dean@noaa.gov; mikelust@noaa.gov; kristine.petersen@noaa.gov; helen.golde@noaa.gov; donna.wieting@noaa.gov; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Wade, Alexis; Born, Tom; Neugeboren, Steven; Levine, MaryEllen; Sawyers, Andrew; Nagle, Deborah; Zobrist, Marcus; Witt, Richard; Piziali, Jamie; Messier, Dawn; Saxena, Juhi; Mallory, Brenda; Zipf, Lynn; Lape, Jeff; Chan, Jennifer; Balserak, Paul; gary_frazer@fws.gov; paul_souza@fws.gov; patrice_ashfield@fws.gov; rick_sayers@fws.gov; drew_crane@fws.gov; michael_bean@ios.doi.gov; Gilinsky, Ellen; Kopocis, Ken

Subject: Endangered Species Act Consultation for 316(b) Cooling Water Intake Rule (w/NOAA) 1-866-299-3188 passcode [Non-Responsive]

When: Monday, August 19, 2013 9:00 AM-10:00 AM (GMT-05:00) Eastern Time (US & Canada).

Where: DCRoomEast2369B/DC-ICC-OW-IO

<< File: 2013_08_12_14_44_33.pdf >>

To: Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Barron, Alex
Sent: Tue 7/30/2013 11:09:30 AM
Subject: Fyi 316(b) omb review now public

The 316(b) Cooling Water Intake Structure Final Rule now shows up as under review on the public omb website(reginfo).

Alex

To: Vaught, Laura[Vaught.Laura@epa.gov]; Distefano, Nichole[DiStefano.Nichole@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Peck, Gregory[Peck.Gregory@epa.gov]; Klasen, Matthew[Klasen.Matthew@epa.gov]; McDermott, Marna[McDermott.Marna@epa.gov]
From: Kaiser, Sven-Erik
Sent: Mon 7/29/2013 3:19:21 AM
Subject: Cleaned up QFRs
[Avi Garbow draft nom QFRS 7.28.13.docx](#)
[Jim Jones draft nom QFRs 7.28.13.docx](#)
[ken.kopocis.nom QFRs.7.28.13.sek.docx](#)

Attached are the cleaned up, standardized versions:

Status as of 11:15 pm:

Jim – cleared

Avi – Ex. 5 - Deliberative

Ken – awaiting WH comments

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Goffman, Joseph[Goffman.Joseph@epa.gov]
From: Goo, Michael
Sent: Fri 7/26/2013 6:04:17 PM
Subject: Fw: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

From: Muellerleile, Caryn
Sent: Friday, July 26, 2013 2:03:01 PM
To: Goo, Michael; Cristofaro, Alexander; Owens, Nicole; Schaaff, Lesley; Balserak, Paul; Barron, Alex
Cc: Wood, Robert; Zipf, Lynn; Hewitt, Julie; Evalenko, Sandy; Nelson, Tomeka; Scozzafava, MichaelE; Clark, Spencer
Subject: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

Today OP transmitted to OMB for interagency review the economically significant 316(b) final rule.

| ROCIS Agenda/Regs | | |
|--|-------|--------|
| Inbox | Rules | Agenda |
| <div> <div>EO Package</div> <div>Contact</div> <div>Manage Documents</div> <div>Economic Data</div> <div>EO History</div> </div> | | |
| <div> <div> RIN: 2040-AE95 (201310) Agency/Sub Agency: 2040 EPA/WATER Tracking #: </div> <div> Stage of Rulemaking: Final Rule Stage Submitted By: Caryn Muellerleile Submitted Date: 07/26/2013 </div> <div> Title: Criteria and Standards for Cooling Water Intake Structures </div> </div> | | |
| EO Review Package 2040-AE95 | | |
| <div> EO Review Package was successfully submitted at 07/26/2013 13:54:05 PM. </div> | | |

The following documents were submitted for interagency review:

| Primary Document: EO12866_Cooling Water Intakes_2040-AE95_Preamble_20130722.docx | | |
|---|--|---------------|
| Supplementary Documents | | |
| Title | Document | Date Uploaded |
| EO12866_Cooling Water Intakes_2040-AE95_Final Rule_20130722.docx | EO12866_Cooling Water Intakes_2040-AE95_Final Rule_20130722.docx | 07/26/2013 |
| EO12866_Cooling Water Intakes_2040-AE95_BenAnal_20130719 (2).pdf | EO12866_Cooling Water Intakes_2040-AE95_BenAnal_20130719 (2).pdf | 07/26/2013 |
| EO12866_Cooling Water Intakes_AE95-2040_EconAnal_20130605.pdf | EO12866_Cooling Water Intakes_AE95-2040_EconAnal_20130605.pdf | 07/26/2013 |

Thank you,

Caryn Muellerleile
 Regulatory Management Division
 Office of Policy
 US Environmental Protection Agency
 1200 Pennsylvania Ave NW (1806A)
 Washington, DC 20460
 (202) 564-2855
 muellerleile.caryn@epa.gov

To: Rick_Sayers@fws.gov[Rick_Sayers@fws.gov]
Cc: Donna.Wieting@noaa.gov[Donna.Wieting@noaa.gov];
 gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov];
 helen.golde@noaa.gov[helen.golde@noaa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov];
 michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; Ron.Dean@noaa.gov[Ron.Dean@noaa.gov];
 Pamela.Lawrence@noaa.gov[Pamela.Lawrence@noaa.gov];
 Drew_Crane@fws.gov[Drew_Crane@fws.gov]; Patrice_Ashfield@fws.gov[Patrice_Ashfield@fws.gov];
 Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky,
 Ellen[Gilinsky.Ellen@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Neugeboren,
 Steven[Neugeboren.Steven@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Sussman,
 Bob[Sussman.Bob@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Balserak,
 Paul[Balserak.Paul@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt,
 Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov];
 Kristine Petersen - NOAA Federal[Kristine.Petersen@noaa.gov]; Jennifer Schultz - NOAA
 Federal[jennifer.schultz@noaa.gov]
From: Wood, Robert
Sent: Fri 7/26/2013 1:18:31 PM
Subject: Letter from USFWS Acknowledging EPA Request for Formal consultation on Final Regulations
 on Cooling Water Intake Structures
[316b ESA FWS Response to EPA Consultation Request 071213.pdf](#)

Hi Rick,

I am in receipt of your letter responding to EPA's request for consultation and am attaching it here so others at the Services and EPA will have a copy. Also, we are working in earnest on the regulatory language proposed by the Services with the aim of providing a passback to you for discussion as soon as possible; I am hopeful we will get it to you today. Thank you.

Rob

Robert Wood

Engineering and Analysis Division

Office of Water

202-566-1822



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 12 2013

In Reply Refer To:
FWS/AES/DER/BCH/055057
2013-F-0004

Mr. Robert K Wood, Director
Engineering and Analysis Division
Office of Water
U.S. Environmental Protection Agency
Washington, District of Columbia 20460

Subject: Request for Initiation of Formal Consultation on Environmental Protection Agency's
Final Regulation to Establish Requirements for Cooling Water Intake Structures at
Existing Facilities and Amend Requirements at Phase I Facilities

Dear Mr. Wood:

This letter acknowledges our receipt of your June 18, 2013, letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act of (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). The consultation will address the possible effects of the Environmental Protection Agency's (EPA) final regulation to implement Section 316(b) of the Clean Water Act on federally threatened and endangered species and their critical habitats.

Your initiation request states that while EPA believes the rulemaking will not cause adverse effects to listed species, EPA is still requesting formal consultation to ensure full and expeditious consideration of impacts to listed species under Section 7(a)(2) of the ESA. We expect to conclude consultation with your agency on October 31, 2013, unless we mutually agree upon an extension of the deadline.

We look forward to working with you and your staff. If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Drew Crane (703-358-2409; Drew_Crane@fws.gov) or Patrice Ashfield (703-358-2478; Patrice_Ashfield@fws.gov).

Sincerely,

Richard E. Sayers, Jr., Ph.D.
Chief, Division of Environmental Review

TAKE PRIDE
IN AMERICA

To: Goo, Michael[Goo.Michael@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Goffman, Joseph
Sent: Thur 7/25/2013 6:06:21 PM
Subject: Re: 316b

Ken and I are this close to connecting

From: Goo, Michael
Sent: Thursday, July 25, 2013 1:51:13 PM
To: Kopocis, Ken; Goffman, Joseph
Subject: 316b

Ex. 5 - Deliberative

Let me know when we can hit the send button. Thx.

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Goffman, Joseph[Goffman.Joseph@epa.gov]
From: Goo, Michael
Sent: Thur 7/25/2013 5:51:13 PM
Subject: 316b

Ex. 5 - Deliberative

Let me know when we can hit the send button. Thx. ý

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]
From: Wood, Robert
Sent: Sat 2/22/2014 1:05:48 PM
Subject: Fw: Fwd: NMFS' Rule to be sent to EPA
NMFS proposal for Revised November 4 rule 2.21.2014.docx

NMFS redline FYI.

Robert K. Wood
Director,
Engineering and Analysis Division
U.S. EPA Office of Water

From: Cathy Tortorici - NOAA Federal <cathy.tortorici@noaa.gov>
Sent: Friday, February 21, 2014 5:14:41 PM
To: ted.boling@sol.doi.gov; Sayers, Rick; Drew Crane; Jennifer Schultz - NOAA Federal; Pamela Lawrence - NOAA Federal; Wood, Robert; Neugeboren, Steven; Barsky, Seth (ENRD)
Subject: Fwd: NMFS' Rule to be sent to EPA

Hello!

Attached please find NMFS's proposed regulatory language changes for the 316(b) regulation. We provide these documents in response to EPA's proposed regulatory language changes sent to the Services earlier this month.

As with DOI, please regard it as a staff draft offered in the spirit of issue resolution and protect it from disclosure that would affect our ability to work through the remaining issues of this consultation.

Talk to you on Monday -

Cathy T.

--

Cathy Tortorici
Chief, ESA Interagency Cooperation Division
Office of Protected Resources
NOAA's National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
(w) 301.427.8495
(c) 971.506.4052
cathy.tortorici@noaa.gov

To: Administrator B6 [redacted]@epa.gov]; Deputy Administrator[62Perciasepe.Bob73@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
Cc: Beauvais, Joel[Beauvais.Joel@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Barron, Alex
Sent: Thur 2/20/2014 11:41:05 PM
Subject: Fw: OW priority rule files
OW Priority Rule Cover Memo fnl3.doc
OW Priority Rule Overview fnl3.doc
OW's OMB Priorities Discussion List 2 20 14 1PM.docx

Administrator et alia - we circulated the files for the ow reg meeting last friday. Since then, there have been some minor changes due to the completion of some action and edits from ow. Please use this version of the materials (which have also been resubmitted through the regular channels).

The three materials are:

*A template completed by OW of upcoming signature actions

*A summary and grouping of those actions assembled by OP

*A cover memo from OP that nominates a few actions which might benefit from discussion. However, we want this to be an open discussion and others are welcome to highlight other actions that they think warrant conversation.

See you tomorrow,

A

From: Balserak, Paul
Sent: Thursday, February 20, 2014 1:56:22 PM
To: Barron, Alex; Beauvais, Joel
Cc: Cristofaro, Alexander; Nickerson, William; Kime, Robin
Subject: OW priority rule files

Joel and Alex,

Attached are the new OW files on priority rules. I made the changes Ellen G requested via Alex B. I also switched the order of the Groups so that the meeting would flow better. OW sent a new full list that has a few minor tweaks to existing entries and adds dental amalgam.

Thanks,

Paul

Paul Balserak, Deputy Director

Policy and Regulatory Analysis Division

Office of Policy

202-566-0072

United States Senate

WASHINGTON, DC 20510

February 18, 2014

The Honorable Sally Jewell
Secretary
U.S. Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Penny Pritzker
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Secretary Jewell and Secretary Pritzker:

We are writing to express concerns regarding the Section 7 consultation process under the Endangered Species Act (ESA) between the U.S. Fish and Wildlife Service (FWS), the National Oceanic and Atmospheric Administration (NOAA), and the Environmental Protection Agency (EPA) regarding the proposed rule under 316(b) of the Clean Water Act ("the proposed rule"). Specifically, we are requesting that your agencies vacate the consultation process as it relates to the proposed rule as we believe that it is an inappropriate application of the ESA.

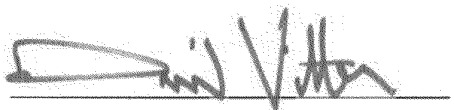
As indicated in a February 10, 2013 modified settlement agreement, the EPA has been working to finalize proposed requirements for cooling water intake structures (CWIS) at existing power plants. It has recently come to our attention that a Section 7 consultation process began shortly before the proposed rule was to be finalized this past June. It is unclear at whose direction or why the consultation was initiated during the final review of the proposed rule. Unfortunately, inquiries to your agencies regarding this process have not resulted in any substantial response.

The proposed rule is expected to create standards that would apply to existing power plants nationally. These power plants are located throughout several different regions and sub-regions of the United States, each with its own environment, site-specific conditions and requirements, and surrounding species and habitat. Therefore, we fail to understand how the outcome of a Section 7 consultation process would be adequately or appropriately applied on a national level through the proposed rule. While we recognize the goals of the ESA as they apply individually to CWIS at existing power plants, we fail to see the value in applying provisions of the ESA beyond a project- by-project basis, which we deem to be a more appropriate application of the Section 7 consultation process.

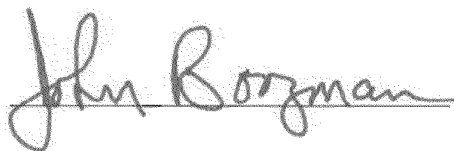
The utilities to which this proposed rule will apply provide clean and low-cost power to many of our constituents. Ultimately, this current roadblock, if not properly addressed, will only result in even higher energy costs for consumers across the country with no corresponding benefit. Therefore, we respectfully request that you immediately direct your agencies to vacate the consultation process that is being incorrectly applied to a national rulemaking process. At a time when resources are limited and regulatory uncertainty is high, we do not believe that this exercise is a prudent use of time or limited taxpayer resources.

We appreciate your attention to this matter, and as Members with a key role in the oversight of your agencies, we will continue to monitor this issue until it has been appropriately resolved.

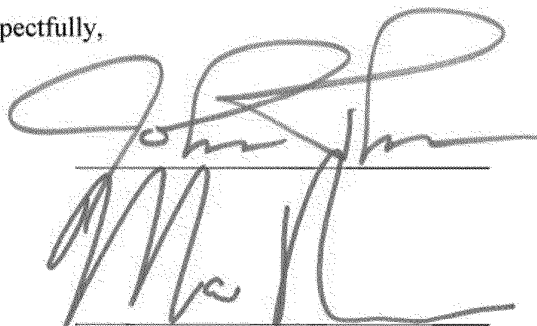
Respectfully,



Daniel Vitter



John Bozman



John Boehner

cc: Administrator Gina McCarthy, Environmental Protection Agency

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Kopocis, Ken
Sent: Tue 2/4/2014 12:38:59 AM
Subject: Re: [Ex. 5 - Deliberative] 316b mtg

Thanks. I heard.

Progress today: [Ex. 5 - Deliberative] We'll see.

From: Stoner, Nancy
Sent: Monday, February 03, 2014 6:50:06 PM
To: Kopocis, Ken
Subject: [Ex. 5 - Deliberative] 316b mtg

is on Admin's calendar for 2/10.

ÿ

To: Wood, Robert[Wood.Robert@epa.gov]
Cc: Donna.Wieting@noaa.gov[Donna.Wieting@noaa.gov];
 gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.org[paul_souza@fws.org];
 helen.golde@noaa.gov[helen.golde@noaa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov];
 michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; Ron.Dean@noaa.gov[Ron.Dean@noaa.gov];
 Pamela.Lawrence@noaa.gov[Pamela.Lawrence@noaa.gov];
 Drew_Crane@fws.gov[Drew_Crane@fws.gov]; Patrice_Ashfield@fws.gov[Patrice_Ashfield@fws.gov];
 Rick_Sayers@fws.gov[Rick_Sayers@fws.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis,
 Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Goo,
 Michael[Goo.Michael@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Hewitt,
 Julie[Hewitt.Julie@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Southerland,
 Elizabeth[Southerland.Elizabeth@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Levine,
 MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade,
 Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Kristine
 Petersen - NOAA Federal[Kristine.Petersen@noaa.gov]
From: Jennifer Schultz - NOAA Federal
Sent: Tue 7/23/2013 9:03:25 PM
Subject: Re: Letter Requesting Formal Consultation on EPA's Final Regulations on Cooling Water
 Intake Structures
[316\(b\)InitiationLetter_NMFS.pdf](#)

Hi Rob,

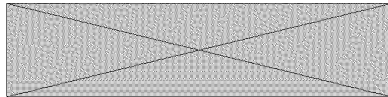
Attached please find our letter confirming NMFS' initiation of formal section 7 consultation and conference (for proposed species) on EPA's proposal to finalize regulations on cooling water intake structures (CWA 316(b)). As described in the letter, we initiated consultation on June 18, 2013. We will deliver our biological and conference opinion 135 days after this date (October 31, 2013). Please let me know if you have any questions.

Thank you,

Jenny

Jennifer Schultz, Ph.D.
 Endangered Species Act Interagency Cooperation Division
 Office of Protected Resources
 NOAA Fisheries
 U.S. Department of Commerce
 301-427-8443

jennifer.schultz@noaa.gov
www.nmfs.noaa.gov



On Tue, Jun 18, 2013 at 4:14 PM, Wood, Robert <Wood.Robert@epa.gov> wrote:

Colleagues,

Attached as promised is EPA's letter to the Services requesting formal consultation on the EPA's final regulations to establish requirements for cooling water intake structures at existing facilities. I greatly appreciate your willingness to agree to formal consultation within the time frames we discussed in our meeting here at EPA on June 5th. Nancy Stoner is arranging a senior management check-in call with you for Thursday June 20 at 2:00 PM to discuss next steps. If you haven't already received an invitation from Nancy's office, one should be coming shortly. I hope you can make it.

Under separate cover, I am sending you EPA's Biological Evaluation and a deliberative, pre-decisional copy the draft final 316(b) rule that is currently awaiting submittal for interagency review.

Thanks, and I look forward to continuing to work with you on this important rulemaking.

Rob Wood

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Silver Spring, MD 20910

Robert K. Wood, Director
 Engineering and Analysis Division
 Office of Water
 Environmental Protection Agency

JUL 23 2013

Dear Mr. Wood:

On June 18, 2013, we received your request for formal consultation on the proposed "Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities," pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). We also received your biological evaluation, the draft regulation, and the draft preamble.

The Environmental Protection Agency (EPA) concluded that its proposed action was "not likely to adversely affect" endangered or threatened species or critical habitat designated for those species. Nonetheless, EPA requested initiation of formal section 7 consultation to ensure full and expeditious consideration of the impacts to listed species and critical habitat. At this time, we do not concur with your determination. After review of the draft proposed regulation and biological evaluation, we have determined that the proposed action is likely to adversely affect listed endangered and threatened species and critical habitat that has been designated for those species. As of June 18, 2013, we confirm initiation of formal consultation and conference (for proposed species) on the issuance and implementation of the proposed regulations, under the Clean Water Act, Section 316(b) (40 CFR 122 and 40 CFR 125).

The ESA requires that after initiation of formal consultation, the Action Agency may not make any irreversible or irretrievable commitment of resources that would preclude the formulation or implementation of any reasonable and prudent alternatives that would avoid violating section 7(a)(2) (50 CFR 402.09). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied (in this instance, the issuance of our biological opinion).

During consultation, we will work with EPA to recommend language to incorporate into its regulation and/or to implement additional activities to minimize impacts of the proposed action on ESA species and critical habitat. As described in our consultation plan, which we provided to you on December 19, 2012 and March 18, 2013, we will evaluate the direct and indirect effects of the action on threatened and endangered species and designated critical habitat. We will use this information, along with the environmental baseline and cumulative effects, to formulate our biological and conference opinion as to whether EPA has insured that its action is not likely to jeopardize the continued existence of any listed or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat.

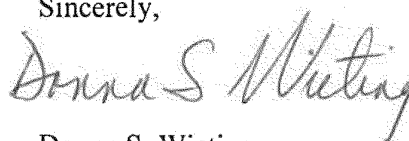


We will deliver our biological and conference opinion ("opinion") to EPA on October 31, 2013, unless we mutually agree upon an extension of the deadline. If we issue a "jeopardy" opinion, it will include a reasonable and prudent alternative(s), unless none exist. The opinion may also include an incidental take statement.

Following the issuance of our opinion, EPA determines whether and in what manner to proceed with the action in light of its section 7 obligations and our conclusions. If we issue a "jeopardy" opinion, EPA must notify us of its final decision on the action. If EPA determines that it cannot comply with the requirements of section 7(a)(2) after consultation, you may apply for an exemption under section 7(g) of the ESA. You are required to request reinitiation of section 7 consultation if: authorized take is exceeded; new information reveals effects that were not previously considered; the action is subsequently modified to cause effects that were not previously considered; or if newly listed species or designated critical habitat may be affected by the action.

If you have any questions, please contact Jennifer Schultz (301-427-8443). We look forward to working with you and your staff on this consultation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna S. Wieting". The signature is fluid and cursive, with the first name "Donna" being the most prominent part.

Donna S. Wieting
Director
Office of Protected Resources

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Yu, Li (USANYS)[Li.Yu@usdoj.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]
From: Wood, Robert
Sent: Thur 6/20/2013 8:53:02 PM
Subject: RE: 316(b) - discussions with plaintiffs

Steve and All,

Ex. 5 - Deliberative

Robert Wood

Engineering and Analysis Division

Office of Water

202-566-1822

From: Neugeboren, Steven

Sent: Thursday, June 20, 2013 3:15 PM

To: Witt, Richard; Sussman, Bob; Goo, Michael; Garbow, Avi; Levine, MaryEllen; Balserak, Paul; Yu, Li (USANYS); Wade, Alexis; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Kopocis, Ken; Gilinsky, Ellen

Subject: Re: 316(b) - discussions with plaintiffs

Adding other interested folks to this email. Wed like to come to closure in our discussions with plaintiffs quickly so please let us know what your offices think about our recommended course below asap.

From: Witt, Richard

Sent: Thursday, June 20, 2013 11:52:48 AM

To: Sussman, Bob; Goo, Michael; Neugeboren, Steven; Garbow, Avi; Levine, MaryEllen; Balserak, Paul; Yu, Li (USANYS); Wade, Alexis

Subject: FW: 316(b)

Non-Responsive

From: Reed Super [<mailto:reed@superlawgroup.com>]

Sent: Wednesday, June 19, 2013 7:18 PM
To: Yu, Li (USANYS)
Cc: Witt, Richard; Levine, MaryEllen; robert.yalen@USDOJ.GOV
Subject: Re: 316(b)

Non-Responsive

Non-Responsive

Reed W. Super
SUPER LAW GROUP, LLC
131 Varick Street, Suite 1033
New York, New York 10013

(212) 242-2273 (direct)

(212) 242-2355 (main)

(646) 345-9658 (mobile)

(855) 242-7956 (fax)

reed@superlawgroup.com

www.superlawgroup.com

*** CONFIDENTIALITY NOTICE *** This e-mail is from Super Law Group, LLC, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

On Wed, Jun 19, 2013 at 1:29 PM, Yu, Li (USANYS) <Li.Yu@usdoj.gov> wrote:

Reed,

Non-Responsive

Thanks,

--Li

From: Yu, Li (USANYS)

Sent: Wednesday, June 19, 2013 11:16 AM

To: Reed Super

Cc: Witt, Richard (Witt.Richard@epa.gov); Levine, MaryEllen (levine.maryellen@epa.gov)

Subject: 316(b)

Reed,

Non-Responsive

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Yu, Li (USANYS)[Li.Yu@usdoj.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]
From: Sussman, Bob
Sent: Thur 6/20/2013 8:52:39 PM
Subject: RE: 316(b) - discussions with plaintiffs

Ex. 5 - Attorney Client

Non-Responsive

From: Reed Super [<mailto:reed@superlawgroup.com>]
Sent: Wednesday, June 19, 2013 7:18 PM
To: Yu, Li (USANYS)
Cc: Witt, Richard; Levine, MaryEllen; robert.yalen@USDOJ.GOV
Subject: Re: 316(b)

Non-Responsive

Non-Responsive

Non-Responsive

Non-Responsive

From: Yu, Li (USANYS)

Sent: Wednesday, June 19, 2013 11:16 AM

To: Reed Super

Cc: Witt, Richard (Witt.Richard@epa.gov); Levine, MaryEllen (levine.maryellen@epa.gov)

Subject: 316(b)

Non-Responsive

ENRD.

Please let me know if I can provide with other information.

Thanks!

--Li

To: Witt, Richard[Witt.Richard@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Yu, Li (USANYS)[Li.Yu@usdoj.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]
From: Neugeboren, Steven
Sent: Thur 6/20/2013 7:14:44 PM
Subject: Re: 316(b) - discussions with plaintiffs

Ex. 5 - Attorney Client

Deliberative and Non-Responsive

Non-Responsive

Non-Responsive

Non-Responsive

To: Donna.Wieting@noaa.gov[Donna.Wieting@noaa.gov];
gary_frazer@fws.gov[gary_frazer@fws.gov]
Cc: paul_souza@fws.org[paul_souza@fws.org]; helen.golde@noaa.gov[helen.golde@noaa.gov];
lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov];
Jennifer.Schultz@noaa.gov[Jennifer.Schultz@noaa.gov]; Ron.Dean@noaa.gov[Ron.Dean@noaa.gov];
Pamela.Lawrence@noaa.gov[Pamela.Lawrence@noaa.gov];
Drew_Crane@fws.gov[Drew_Crane@fws.gov]; Patrice_Ashfield@fws.gov[Patrice_Ashfield@fws.gov];
Rick_Sayers@fws.gov[Rick_Sayers@fws.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis,
Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Goo,
Michael[Goo.Michael@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Hewitt,
Julie[Hewitt.Julie@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Southerland,
Elizabeth[Southerland.Elizabeth@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Levine,
MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade,
Alexis[Wade.Alexis@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]
From: Wood, Robert
Sent: Tue 6/18/2013 8:14:45 PM
Subject: Letter Requesting Formal Consultation on EPA's Final Regulations on Cooling Water Intake
Structures
316b ESA Formal Consultation Request 061813.pdf

Colleagues,

Attached as promised is EPA's letter to the Services requesting formal consultation on the EPA's final regulations to establish requirements for cooling water intake structures at existing facilities. I greatly appreciate your willingness to agree to formal consultation within the time frames we discussed in our meeting here at EPA on June 5th. Nancy Stoner is arranging a senior management check-in call with you for Thursday June 20 at 2:00 PM to discuss next steps. If you haven't already received an invitation from Nancy's office, one should be coming shortly. I hope you can make it.

Under separate cover, I am sending you EPA's Biological Evaluation and a deliberative, pre-decisional copy the draft final 316(b) rule that is currently awaiting submittal for interagency review.

Thanks, and I look forward to continuing to work with you on this important rulemaking.

Rob Wood

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Penman, Crystal
Sent: Mon 6/17/2013 7:53:37 PM
Subject: 316B Call in **Non-Responsive**

Per Nancy's request

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Southerland, Elizabeth
Sent: Mon 1/13/2014 12:23:12 PM
Subject: Fw: 316
1-12-14 Revisions to Services 12-20-13 proposal.docx

From: Garbow, Avi
Sent: Sunday, January 12, 2014 9:40:35 PM
To: Feldt, Lisa; Kopocis, Ken; Southerland, Elizabeth; Wood, Robert; Neugeboren, Steven; Witt, Richard; Levine, MaryEllen; Wade, Alexis
Subject: Fw: 316

Just received this - have not yet reviewed.
Avi

From: Boling, Edward <ted.boling@sol.doi.gov>
Sent: Sunday, January 12, 2014 9:27:27 PM
To: Garbow, Avi
Cc: Lois J. Schiffer; Sarah Greenberger; Christine Blackburn - NOAA Federal
Subject: Re: 316

Avi - I hope you had a great weekend. We had a productive weekend, which led to the attached revisions to the Services' 12/20/2013 proposal.
We will be happy to discuss it with you as soon as you're ready.

Regards,

Ted Boling

Deputy Solicitor -- Parks & Wildlife

U.S Department of the Interior

1849 C Street NW

Washington, DC 20240

202-208-4423 (main)

202-208-3125 (direct)

202-208-5584 (fax)

Ted.Boling@sol.doi.gov

On Sun, Jan 12, 2014 at 5:12 PM, Garbow, Avi <Garbow.Avi@epa.gov> wrote:

Ted

Hope you had a nice weekend. Thought I would check in as you had indicated that we were likely to receive something from the Services on friday. To the best of my knowledge, nothing came through. Thx.

Avi



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 18 2013

OFFICE OF WATER

Donna Wieting
Director, Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, F/PR3
Silver Spring, MD 20910

Gary Frazer
Assistant Director, Endangered Species
United States Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, VA 22203

Subject: Initiation of Formal Consultation on the EPA's Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities

Dear Ms. Wieting and Mr. Frazer:

The U.S. Environmental Protection Agency is requesting formal consultation, pursuant to Section 7(a)(2) of the Endangered Species Act and implementing regulations at 50 CFR § 402.14(c), with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (the Services) on the EPA's "Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities." Pursuant to 40 C.F.R. § 402.12, I have sent under separate cover the EPA's Biological Evaluation. The BE evaluates the potential effects of the EPA's action on listed and proposed species and designated and proposed critical habitat and assesses whether any such species or habitat are likely to be adversely affected by the action.

Thank you for the considerable time and effort that you and your staff have devoted to the informal consultation process that we initiated in July 2012 with NMFS and in October 2012 with FWS, including multiple briefings on the contents of the draft 316(b) rule, discussion of the proposed outline and methodological approach for a biological evaluation, and review of two drafts of the BE.

As we have discussed, the 316(b) rule when promulgated will reduce the current mortality of aquatic organisms, including threatened and endangered species, at cooling water intake structures. The magnitude of mortality reduction, however, will depend on the type, size, and location of facilities, the degree of improvement in CWIS performance required by the rule, the nature and number of T&E species in the vicinity of CWISs, as well as other site-specific factors. Because the 316(b) rule will reduce impacts to listed species from cooling water take structures, the Agency continues to believe that it will not cause adverse effects and will benefit affected

species whether threatened, endangered, or otherwise. Nonetheless, the EPA has decided to request formal consultation to ensure full and expeditious consideration of the impacts to listed species under section 7(a)(2). Consequently, the EPA is requesting initiation of formal consultation under Section 7 of the ESA because, as discussed in the BE, after promulgation and implementation of the 316(b) rule, the rule may allow as many as 215 T&E species and 30 critical habitats of T&E species to continue to be affected.

The sections below provide the necessary information for initiating consultation pursuant to 50 CFR 402.14(c).

I. Description of Agency Actions

The action on which the EPA requests formal consultation is a regulation the EPA is in the process of finalizing, to implement CWA Section 316(b). Section 316(b) requires that the EPA establish standards for cooling water intake structures that reflect the best technology available for minimizing adverse environmental effects. The final rule will be implemented through conditions included in NPDES (National Pollutant Discharge Elimination System) permits, required under section 402 of the CWA, for facilities that withdraw cooling water from waters of the United States.

On April 20, 2011, the EPA published proposed standards for cooling water intake structures at all existing power generating facilities and existing manufacturing and industrial facilities. The proposal included requirements for facilities that have a design intake flow of greater than two million gallons per day from waters of the United States and use at least 25 percent of the water they withdraw exclusively for cooling purposes on an actual intake flow basis. The proposal included provisions to address impingement (pinning of organisms against intake screens) and entrainment (organisms sucked through intake screens). While the proposal included an impingement mortality performance standard, the EPA did not propose uniform entrainment controls. Rather, the EPA proposed that entrainment requirements should be established by NPDES permitting authorities on a site-specific basis. In connection with the development of these requirements, facilities with an average intake flow of more than 125 mgd would need to develop an entrainment characterization study to help permit Directors determine facility-specific entrainment requirements.

The EPA has included in the BE a description of the number of facilities subject to the rule. The EPA has accurate information on the location of electric generators, but does not have complete information on the location of all manufacturing facilities with a CWIS. To compensate for this, the EPA has included information in the BE on all manufacturers in the industries known to use cooling water, even though some of these facilities will not have a CWIS.

II. Description of Action Area

The action area for the 316(b) rule includes “waters of the United States,” defined in 40 CFR§ 122.2 as certain inland waters and the territorial sea extending three miles from shore. As discussed in the BE, the EPA’s analysis examined CWIS impacts and regulatory benefits in seven aquatic study regions: California, North Atlantic, Mid-Atlantic, South Atlantic, Gulf of

Mexico, Great Lakes, and Inland. The study regions were chosen based on regional similarities within ecosystems, aquatic species, and characteristics of commercial and recreational fishing activities. Based on the delineation between marine and freshwater ecosystems, these seven study regions were broadly categorized into Coastal, Great Lakes, and Inland regions.

III. Description of Listed Species or Designated Critical Habitat That May Be Affected

As discussed in the BE, the 316(b) rule is likely to affect 215 T&E species with habitat ranges that overlap with at least one CWIS. Additionally, the critical habitats of 30 T&E species overlap with at least one CWIS. Few data are available for the EPA to estimate the mortality of T&E species at CWISs subject to the 316(b) final rule. Consequently, to assess the potential for impacts of the 316(b) rule on T&E species, the EPA identified current spatial overlap between the locations of CWISs subject to the rule and the location of federally designated critical habitats or habitat ranges of T&E species. The overlap analysis was conducted for all life history stages for all aquatic T&E species with available data. However, due to the uncertainty regarding the location of all CWISs, the EPA was not able to conclusively identify all listed species or associated life stages that could be potentially affected. Accordingly, the EPA followed ESA regulations requiring the assumption of a reasonable worst case analysis when more accurate data are unavailable.

The BE addresses aquatic T&E species as well as aquatic-dependent T&E species which include reptiles, birds, and terrestrial mammals whose diet contains an appreciable proportion of aquatic organisms. These species are likely to be only indirectly affected by the 316(b) rule.

IV. Description of How Agency Actions May Affect Listed Species

The EPA attempted to estimate the changes in mortality as a result of the 316(b) rule for all T&E species. Sufficient data, however, have not been collected at CWISs to estimate the baseline or amount of future reduction in mortality of T&E species. The 316(b) rule, as currently written, would require facilities to collect source water baseline biological characterization data, entrainment biological characterization data, and where applicable, biological performance studies over a two year period prior to submission of an application for a permit. These data will enable permit Directors, and the Services, to determine whether T&E species are present, whether they are being harmed, and to require appropriate CWIS controls.

V. Next Steps

My staff and I have appreciated the positive, collaborative effort among our agencies during the informal consultation process of developing the BE. We look forward to continuing that relationship through formal consultation. Separate from this letter, we are providing you with a predecisional, deliberative copy of the draft 316(b) rule along with a copy of the BE. Additionally, my staff are providing the Services with the raw data files used to produce the BE. As we have discussed, we will schedule reoccurring biweekly meetings with the Services to assist with your preparation of the biological opinion. We will also schedule regular check-in meetings with senior management at our respective agencies to ensure steady progress throughout this consultation.

Please do not hesitate to call me at (202) 566-1822 or Julie Hewitt at (202) 566-1031 if you or anyone on your staff has questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. K. Wood". The signature is stylized with a large, looped "W" and a horizontal line extending to the right.

Robert K. Wood, Director
Engineering and Analysis Division



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Silver Spring, MD 20910

Robert K. Wood, Director
 Engineering and Analysis Division
 Office of Water
 Environmental Protection Agency

JUL 23 2013

Dear Mr. Wood:

On June 18, 2013, we received your request for formal consultation on the proposed "Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities," pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). We also received your biological evaluation, the draft regulation, and the draft preamble.

The Environmental Protection Agency (EPA) concluded that its proposed action was "not likely to adversely affect" endangered or threatened species or critical habitat designated for those species. Nonetheless, EPA requested initiation of formal section 7 consultation to ensure full and expeditious consideration of the impacts to listed species and critical habitat. At this time, we do not concur with your determination. After review of the draft proposed regulation and biological evaluation, we have determined that the proposed action is likely to adversely affect listed endangered and threatened species and critical habitat that has been designated for those species. As of June 18, 2013, we confirm initiation of formal consultation and conference (for proposed species) on the issuance and implementation of the proposed regulations, under the Clean Water Act, Section 316(b) (40 CFR 122 and 40 CFR 125).

The ESA requires that after initiation of formal consultation, the Action Agency may not make any irreversible or irretrievable commitment of resources that would preclude the formulation or implementation of any reasonable and prudent alternatives that would avoid violating section 7(a)(2) (50 CFR 402.09). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied (in this instance, the issuance of our biological opinion).

During consultation, we will work with EPA to recommend language to incorporate into its regulation and/or to implement additional activities to minimize impacts of the proposed action on ESA species and critical habitat. As described in our consultation plan, which we provided to you on December 19, 2012 and March 18, 2013, we will evaluate the direct and indirect effects of the action on threatened and endangered species and designated critical habitat. We will use this information, along with the environmental baseline and cumulative effects, to formulate our biological and conference opinion as to whether EPA has insured that its action is not likely to jeopardize the continued existence of any listed or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat.

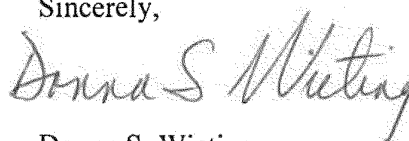


We will deliver our biological and conference opinion ("opinion") to EPA on October 31, 2013, unless we mutually agree upon an extension of the deadline. If we issue a "jeopardy" opinion, it will include a reasonable and prudent alternative(s), unless none exist. The opinion may also include an incidental take statement.

Following the issuance of our opinion, EPA determines whether and in what manner to proceed with the action in light of its section 7 obligations and our conclusions. If we issue a "jeopardy" opinion, EPA must notify us of its final decision on the action. If EPA determines that it cannot comply with the requirements of section 7(a)(2) after consultation, you may apply for an exemption under section 7(g) of the ESA. You are required to request reinitiation of section 7 consultation if: authorized take is exceeded; new information reveals effects that were not previously considered; the action is subsequently modified to cause effects that were not previously considered; or if newly listed species or designated critical habitat may be affected by the action.

If you have any questions, please contact Jennifer Schultz (301-427-8443). We look forward to working with you and your staff on this consultation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna S. Wieting". The signature is fluid and cursive, with the first name "Donna" being more prominent.

Donna S. Wieting
Director
Office of Protected Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 12 2013

In Reply Refer To:
FWS/AES/DER/BCH/055057
2013-F-0004

Mr. Robert K Wood, Director
Engineering and Analysis Division
Office of Water
U.S. Environmental Protection Agency
Washington, District of Columbia 20460

Subject: Request for Initiation of Formal Consultation on Environmental Protection Agency's
Final Regulation to Establish Requirements for Cooling Water Intake Structures at
Existing Facilities and Amend Requirements at Phase I Facilities

Dear Mr. Wood:

This letter acknowledges our receipt of your June 18, 2013, letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act of (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). The consultation will address the possible effects of the Environmental Protection Agency's (EPA) final regulation to implement Section 316(b) of the Clean Water Act on federally threatened and endangered species and their critical habitats.

Your initiation request states that while EPA believes the rulemaking will not cause adverse effects to listed species, EPA is still requesting formal consultation to ensure full and expeditious consideration of impacts to listed species under Section 7(a)(2) of the ESA. We expect to conclude consultation with your agency on October 31, 2013, unless we mutually agree upon an extension of the deadline.

We look forward to working with you and your staff. If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Drew Crane (703-358-2409; Drew_Crane@fws.gov) or Patrice Ashfield (703-358-2478; Patrice_Ashfield@fws.gov).

Sincerely,

Richard E. Sayers, Jr., Ph.D.
Chief, Division of Environmental Review



To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Lois Schiffer - NOAA Federal
Sent: Tue 12/3/2013 4:46:46 PM
Subject: Re: 316(b)

great- thanks.

On Tue, Dec 3, 2013 at 11:45 AM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

Lois,
40 CFR 125.90(b) requires BPJ determinations for permit writers in the absence of a national 316(b) rule. Hope this is helpful.
Nancy

From: Stoner, Nancy
Sent: Tuesday, December 03, 2013 10:12:14 AM
To: Lois Schiffer
Subject: Re: 316(b)

Will do

From: Lois Schiffer - NOAA Federal <lois.schiffer@noaa.gov>
Sent: Tuesday, December 03, 2013 10:10:36 AM
To: Stoner, Nancy
Subject: Re: 316(b)

try [202-482-4627](tel:202-482-4627)

On Tue, Dec 3, 2013 at 8:28 AM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

Sorry I didn't get back to you yesterday. I'm in all day SES mtg but will try to call you on a break. What is best # to use?

--
Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

--

Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Lois Schiffer - NOAA Federal
Sent: Tue 12/3/2013 3:10:36 PM
Subject: Re: 316(b)

try 202-482-4627

On Tue, Dec 3, 2013 at 8:28 AM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

Sorry I didn't get back to you yesterday. I'm in all day SES mtg but will try to call you on a break. What is best # to use?

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Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]
From: Feldt, Lisa
Sent: Tue 12/3/2013 3:56:10 AM
Subject: Re: [Ex. 5 - Deliberative]

Howard already working this but would be good to know what discussions if any our staff has had and what was the substance and to what level. We should all connect in the am with Bob. Lisa

From: Stoner, Nancy
Sent: Monday, December 02, 2013 9:28:39 PM
To: Kopocis, Ken; Feldt, Lisa; Garbow, Avi
Subject: [Ex. 5 - Deliberative]

Seems like we need to ask OMB to
Should Ken or I call Dom Mancini?

Ex. 5 - Deliberative

ÿ

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
From: Wood, Robert
Sent: Mon 12/2/2013 4:07:39 PM
Subject: Re: Lois Schiffer called me re 316b and OMB mtg

Could not get a call with Cortney until 4:45 today. I will let you know what I learn.

From: Stoner, Nancy
Sent: Monday, December 02, 2013 8:51:05 AM
To: Wood, Robert
Subject: RE: Lois Schiffer called me re 316b and OMB mtg

thanks

-----Original Message-----

From: Wood, Robert
Sent: Monday, December 02, 2013 8:50 AM
To: Southerland, Elizabeth; Stoner, Nancy
Subject: Re: Lois Schiffer called me re 316b and OMB mtg

I have no information yet. I traded messages with Cortney Wednesday and she owes me a call. Will try her again this morning.

From: Southerland, Elizabeth
Sent: Monday, December 02, 2013 8:46:01 AM
To: Stoner, Nancy; Wood, Robert
Subject: RE: Lois Schiffer called me re 316b and OMB mtg

I haven't heard a thing yet. Maybe Rob will know from Courtney Higgins.

Elizabeth Southerland, Director
Office of Science & Technology
Office Water
Room 5233A - MC - 4301T
Washington, D. C. 20460
Direct: (202) 566-0328
Fax: (202) 566-0441

-----Original Message-----

From: Stoner, Nancy
Sent: Monday, December 02, 2013 8:43 AM
To: Southerland, Elizabeth; Wood, Robert
Subject: Lois Schiffer called me re 316b and OMB mtg

What do we know about what happened? I want to know before calling her back. Thx
ÿ

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Lois Schiffer - NOAA Federal
Sent: Tue 11/26/2013 3:40:59 PM
Subject: i need a quick bit of help on how 316b works--can you call me? thanks. Lois

--

Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

Industry Stakeholder Coffee

Wednesday, May 15, 2013

9:00 - 10:00 a.m.

Room 2123 EPA East, 1201 Constitution Avenue, N.W.

Call-in Number: 1-866-299-3188, conference code

Non-Responsive

AGENDA

PENDING ACTIONS

1. Proposal to revise Water Quality Standards Regulation (OMB)
2. Cooling Water Intake Structure rule (Internal)
3. National Primary Drinking Water Regulation: Group Regulation of Carcinogenic Volatile Compounds (Internal)
4. Nitrogenous DBPs (Internal)
5. Update: National Stormwater Rulemaking (Internal)
6. Multi Sector General Permit (Internal)

OGWDW

7. Update: Perchlorate
8. Hexavalent Chromium (Chromium-6)
9. Status: Guidance on implementation of the Lead Reduction Act
10. Update: EPA/ORD Technical Roundtables for the Drinking Water and Hydraulic Fracturing Study

OST

11. Update: Aquatic life advisory value for conductivity
12. Update: Selenium criteria

OWOW

13. Draft National Rivers and Streams Assessment 2008-2009 Report
14. Update: Waters of the U.S.

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Call-in Number: **Non-Responsive** conference code: **Non-Responsive**

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PENDING ACTIONS

1. Proposal to revise Water Quality Standards Regulation (OMB) – Betsy Southerland will represent OST

Update requested by Amanda Aspatore, Associate General Counsel,
National Mining Association

2. Cooling Water Intake Structure rule (Internal) - Betsy Southerland will represent OST

Requested by Amy Emmert, American Petroleum Institute

Question: Is it still on target for 6/27?

3. National Primary Drinking Water Regulation: Group Regulation of Carcinogenic Volatile Compounds (Internal) – Peter Grevatt/Eric Burneson will represent OGWDW

Requested by Jack Adams, VP, Government Affairs, Calgon Carbon Corporation

Comments/Questions: What is the current status of the proposed cVOC rule? Specifically, has a promulgation date been set? Have the MCLs

been set for the proposed compounds? Have any decisions been made regarding BACT for the rule?

4. Nitrogenous DBPs (Internal) - Peter Grevatt/Eric Burneson will represent OGWDW

Requested by Jack Adams, VP, Government Affairs, Calgon Carbon Corporation

Comments/Questions:

What is the status regarding nitrogenous DBPs? Is EPA looking at a potential group contaminant rule on N-DBPs ? If so, is there a tentative timetable associated with this rule? How might this rule be enacted in relation to the current USEPA DBP rule?

5. Update: National Stormwater Rulemaking (Internal) – Andrew Sawyers/Deborah Nagle will represent OWM

Requested by Amanda Aspatore, Associate General Counsel, National Mining Association

6. Multi Sector General Permit (Internal) – Andrew Sawyers/Deborah Nagle will represent OWM.

Update requested by Amanda Aspatore, Associate General Counsel, National Mining Association

OGWDW

7. Update: Perchlorate (Peter Grevatt/Eric Burneson will cover)

Requested by Jim Rollins, Policy Navigation Group AND Jack Adams,

VP, Government Affairs, Calgon Carbon Corporation

Jim Rollins – Comments/Questions:

- a. Update on timing for SBAR panel and proposed MCL
- b. Timing for a proposed MCL
- c. Timing for SAB report
- d. EPA plan for incorporating SAB report comments, conclusions, and recommendations into planning for proposed MCL
- e. What is EPA's plan to incorporate the results of the Lumen PBPK/PD paper published this past March with the path forward on the SAB perchlorate panel report as the Agency moves proceeds towards a proposed MCL decision?
- f. Does the SAB report factor into agency development of its statutorily-required HRRCA analysis? If so, how?

Jack Adams - Comments/Questions:

What is the status of a potential USEPA ruling for perchlorate?

Specifically, will a regulation be forth coming? If so, has the MCL been set? What is the current timing on this situation?

8. Hexavalent Chromium (Chromium-6) – Peter Grevatt/Eric Burneson
Requested by Jack Adams, VP, Government Affairs, Calgon Carbon Corporation

Comments/Questions:

What is the status on the potential regulation of hexavalent chromium in water? Specifically, has a promulgation date been set? Have the MCLs been set for the proposed compounds?

Have any decisions been made regarding BACT for the rule?

9. Status: Guidance on implementation of the Lead Reduction Act (Peter Grevatt/Eric Burneson)
Requested by Kristine Heine, for Kohler Co.

10. Update: EPA Technical Roundtables for the Drinking Water and

Hydraulic Fracturing Study (Jeanne Briskin will represent ORD)
Requested by Amy Emmert, American Petroleum Institute

OST (Betsy Southerland will represent OST)

11.Update: Aquatic life advisory value for conductivity

Requested by Amanda Aspatore, Associate General Counsel, National Mining Association

Comments/Questions: Aquatic life advisory value for conductivity – EPA’s next steps? Plans for releasing a proposal with respect to conductivity?

12.Update: Selenium criteria

Requested by Amanda Aspatore, Associate General Counsel, National Mining Association

Comments/Questions:

Selenium criteria development status update – NODA, peer review, proposal timing

OWOW

13.Draft National Rivers and Streams Assessment 2008-2009 Report (Susan Holdsworth/Ellen Tarquino will represent OWOW)

14.Update: Waters of the U.S. (TBA/OWOW)

Requested by Jim Rollins, Policy Navigation Group; Amanda Aspatore, Associate General Counsel, National Mining Association and Amy Emmert, API

Jim Rollins - Comments/Questions:

Navigable waters; he has questions about the scope of the economic analysis for the EPA navigable waters rule-making.

Amanda – Comments/Questions:

Jurisdictional guidance and/or rulemaking – decisions on finalizing the guidance? Timing for a rulemaking?

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Amanda – Comments/Questions:

Jurisdictional guidance and/or rulemaking – decisions on finalizing the guidance? Timing for a rulemaking?

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Newbold, Steve[Newbold.Steve@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Born, Tom[Born.Tom@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; Maddox, Donald[Maddox.Donald@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Cash, Debbie[Cash.Debbie@epa.gov]
From: Maddox, Donald
Sent: Thur 4/25/2013 3:04:01 PM
Subject: 316b Pre-Brief for 4-26-13 OMB Mtg.
[Draft OMB Brief 04-24-13 v5.pptx](#)

When: Thursday, April 25, 2013 5:15 PM-6:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: ARN 3309

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Additional Invites should be sent to Don Maddox 564-7207 or by email: maddox.donald@epa.gov

To: gina.jackson@noa.gov[gina.jackson@noa.gov]
From: Microsoft Outlook
Sent: Mon 11/4/2013 3:50:28 PM
Subject: Undeliverable: Canceled: Call w/ Lois Schiffer 316 (b)
Canceled: Call w/ Lois Schiffer 316 (b)

Delivery has failed to these recipients or groups:

gina.jackson@noa.gov (gina.jackson@noa.gov)

Your message wasn't delivered because the recipient's email provider rejected it.

Diagnostic information for administrators:

Generating server: BLUPR09MB039.namprd09.prod.outlook.com

gina.jackson@noa.gov

Remote Server returned '550 5.7.0 Proxy session setup failed on Frontend with '554 5.4.4 SMTPSEND.DNS.NonExistentDomain; nonexistent domain''

Original message headers:

Received: from BLUPR09MB038.namprd09.prod.outlook.com (10.255.211.144) by BLUPR09MB039.namprd09.prod.outlook.com (10.255.211.153) with Microsoft SMTP Server (TLS) id 15.0.815.6; Mon, 4 Nov 2013 15:50:21 +0000
 Received: from BLUPR09MB038.namprd09.prod.outlook.com ([169.254.11.44]) by BLUPR09MB038.namprd09.prod.outlook.com ([169.254.11.44]) with mapi id 15.00.0815.000; Mon, 4 Nov 2013 15:50:21 +0000
 From: "Stoner, Nancy" <Stoner.Nancy@epa.gov>
 To: "gina.jackson@noa.gov" <gina.jackson@noa.gov>, "lois.shiffer@noaa.gov" <lois.shiffer@noaa.gov>
 Subject: Canceled: Call w/ Lois Schiffer 316 (b)
 Thread-Topic: Call w/ Lois Schiffer 316 (b)
 Thread-Index: Ac7ZcfD9PQi7Fa24RS+W0ia9J7burgAA6CNQ
 Importance: high
 X-Priority: 1
 Date: Mon, 4 Nov 2013 15:50:21 +0000
 Message-ID: <5ad0dfea9c6a427b908aa3467b5086c9@BLUPR09MB038.namprd09.prod.outlook.com>
 Accept-Language: en-US
 Content-Language: en-US
 X-MS-Has-Attach:
 X-MS-TNEF-Correlator:
 x-originating-ip: [134.67.6.11]
 x-forefront-prvs: 0020414413
 x-forefront-antispam-report: SFV:NSPM;SFS:(189002)(199002)(377454003)(51856001)(81816001)(53806001)(54356001)(83072001)(69226001)(2656002)(63696002)(81542001)(56776001)(74366001)(46102001)(19580395003)(74876001)(83322001)(87266001)(76576001)(76176001)(79102001)(85306002)(76786001)(76796001)(80976001)(80022001)(66066001)(65816001)(15202345003)(56816003)(4396001)(76482001)(47736001)(77096001)(31966008)(33646001)(74706

001) (59766001) (77982001) (74662001) (47446002) (74502001) (74316001) (81342001) (543
16002) (50986001) (49866001) (15975445006) (47976001) (24736002);DIR:OUT;SFP:;SCL:1
;SRVR:BLUPR09MB039;H:BLUPR09MB038.namprd09.prod.outlook.com;CLIP:134.67.6.11;F
PR:;RD:InfoNoRecords;MX:1;A:1;LANG:en;
Content-Type: multipart/alternative;
 boundary="_000_5ad0dfea9c6a427b908aa3467b5086c9BLUPR09MB038namprd09p
ro_"
MIME-Version: 1.0
X-OriginatorOrg: epa.gov

To: gina.jackson@noa.gov[gina.jackson@noa.gov]; lois.shiffer@noaa.gov[lois.shiffer@noaa.gov]
From: Stoner, Nancy
Sent: Mon 11/4/2013 3:50:21 PM
Subject: Canceled: Call w/ Lois Schiffer 316 (b)

When: Monday, November 04, 2013 12:30 PM-1:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Call 202-482-4080

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

To: lois.shiffer@noaa.gov[lois.shiffer@noaa.gov]
From: Microsoft Outlook
Sent: Mon 11/4/2013 3:50:23 PM
Subject: Undeliverable: Canceled: Call w/ Lois Schiffer 316 (b)
Canceled: Call w/ Lois Schiffer 316 (b)

Postini rejected your message to the following email addresses:

lois.shiffer@noaa.gov (lois.shiffer@noaa.gov)

Postini gave this error:
No such user - psmtip

A problem occurred while delivering this message to this email address. Try sending this message again.
 If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR09MB039.namprd09.prod.outlook.com

lois.shiffer@noaa.gov
 Postini
 Remote Server returned '550 No such user - psmtip'

Original message headers:

Received: from BLUPR09MB038.namprd09.prod.outlook.com (10.255.211.144) by
 BLUPR09MB039.namprd09.prod.outlook.com (10.255.211.153) with Microsoft SMTP
 Server (TLS) id 15.0.815.6; Mon, 4 Nov 2013 15:50:21 +0000
 Received: from BLUPR09MB038.namprd09.prod.outlook.com ([169.254.11.44]) by
 BLUPR09MB038.namprd09.prod.outlook.com ([169.254.11.44]) with mapi id
 15.00.0815.000; Mon, 4 Nov 2013 15:50:21 +0000
 From: "Stoner, Nancy" <Stoner.Nancy@epa.gov>
 To: "gina.jackson@noa.gov" <gina.jackson@noa.gov>, "lois.shiffer@noaa.gov"
 <lois.shiffer@noaa.gov>
 Subject: Canceled: Call w/ Lois Schiffer 316 (b)
 Thread-Topic: Call w/ Lois Schiffer 316 (b)
 Thread-Index: Ac7Zcfd9PQi7Fa24RS+W0ia9J7burgAA6CNQ
 Importance: high
 X-Priority: 1
 Date: Mon, 4 Nov 2013 15:50:21 +0000
 Message-ID:
 <5ad0dfea9c6a427b908aa3467b5086c9@BLUPR09MB038.namprd09.prod.outlook.com>
 Accept-Language: en-US
 Content-Language: en-US
 X-MS-Has-Attach:
 X-MS-TNEF-Correlator:
 x-originating-ip: [134.67.6.11]
 x-forefront-prvs: 0020414413

x-forefront-antispam-report:

SFV:NSPM;SFS:(189002)(199002)(377454003)(51856001)(81816001)(53806001)(54356001)(83072001)(69226001)(2656002)(63696002)(81542001)(56776001)(74366001)(46102001)(19580395003)(74876001)(83322001)(87266001)(76576001)(76176001)(79102001)(85306002)(76786001)(76796001)(80976001)(80022001)(66066001)(65816001)(15202345003)(56816003)(4396001)(76482001)(47736001)(77096001)(31966008)(33646001)(74706001)(59766001)(77982001)(74662001)(47446002)(74502001)(74316001)(81342001)(54316002)(50986001)(49866001)(15975445006)(47976001)(24736002);DIR:OUT;SFP::SCL:1;SRVR:BLUPR09MB039;H:BLUPR09MB038.namprd09.prod.outlook.com;CLIP:134.67.6.11;FPR::RD:InfoNoRecords;MX:1;A:1;LANG:en;

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ro_"

MIME-Version: 1.0

X-OriginatorOrg: epa.gov

To: gina.jackson@noa.gov[gina.jackson@noa.gov]; lois.shiffer@noaa.gov[lois.shiffer@noaa.gov]
From: Stoner, Nancy
Sent: Mon 11/4/2013 3:50:21 PM
Subject: Canceled: Call w/ Lois Schiffer 316 (b)

When: Monday, November 04, 2013 12:30 PM-1:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Call 202-482-4080

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

To: gina.jackson@noa.gov[gina.jackson@noa.gov]; lois.shiffer@noaa.gov[lois.shiffer@noaa.gov]
From: Stoner, Nancy
Sent: Mon 11/4/2013 3:24:22 PM
Subject: Call w/ Lois Schiffer 316 (b)

When: Monday, November 04, 2013 12:30 PM-1:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Call 202-482-4080

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

To: lois.shiffer@noaa.gov[lois.shiffer@noaa.gov]
From: Microsoft Outlook
Sent: Mon 11/4/2013 3:24:24 PM
Subject: Undeliverable: Call w/ Lois Schiffer 316 (b)
Call w/ Lois Schiffer 316 (b)

Postini rejected your message to the following email addresses:

lois.shiffer@noaa.gov (lois.shiffer@noaa.gov)

Postini gave this error:
No such user - psmtip

A problem occurred while delivering this message to this email address. Try sending this message again.
 If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: BLUPR09MB037.namprd09.prod.outlook.com

lois.shiffer@noaa.gov
 Postini
 Remote Server returned '550 No such user - psmtip'

Original message headers:

Received: from BLUPR09MB038.namprd09.prod.outlook.com (10.255.211.144) by
 BLUPR09MB037.namprd09.prod.outlook.com (10.255.211.139) with Microsoft SMTP
 Server (TLS) id 15.0.815.6; Mon, 4 Nov 2013 15:24:22 +0000
 Received: from BLUPR09MB038.namprd09.prod.outlook.com ([169.254.11.44]) by
 BLUPR09MB038.namprd09.prod.outlook.com ([169.254.11.44]) with mapi id
 15.00.0815.000; Mon, 4 Nov 2013 15:24:22 +0000
 From: "Stoner, Nancy" <Stoner.Nancy@epa.gov>
 To: "gina.jackson@noa.gov" <gina.jackson@noa.gov>, "lois.shiffer@noaa.gov"
 <lois.shiffer@noaa.gov>
 Subject: Call w/ Lois Schiffer 316 (b)
 Thread-Topic: Call w/ Lois Schiffer 316 (b)
 Thread-Index: Ac7ZcfEEPQi7Fa24RS+W0ia9J7burg==
 Date: Mon, 4 Nov 2013 15:24:22 +0000
 Message-ID:
 <36c5170c08bb442396c243d04e90e098@BLUPR09MB038.namprd09.prod.outlook.com>
 Accept-Language: en-US
 Content-Language: en-US
 X-MS-Has-Attach:
 X-MS-TNEF-Correlator:
 x-originating-ip: [134.67.6.11]
 x-forefront-prvs: 0020414413
 x-forefront-antispam-report:
 SFV:NSPM;SFS:(189002)(199002)(377454003)(80022001)(66066001)(65816001)(7466200

1) (80976001) (31966008) (49866001) (81342001) (81816001) (76482001) (74706001) (74316001) (2656002) (81686001) (74876001) (15975445006) (33646001) (69226001) (54316002) (56776001) (85306002) (59766001) (79102001) (81542001) (15202345003) (53806001) (74366001) (51856001) (87266001) (46102001) (19580395003) (77096001) (47446002) (50986001) (47736001) (74502001) (56816003) (63696002) (77982001) (54356001) (83072001) (47976001) (83322001) (76786001) (76796001) (4396001) (76176001) (76576001) (24736002);DIR:OUT;SFP:;SCL:1;SRVR:BLUPR09MB037;H:BLUPR09MB038.namprd09.prod.outlook.com;CLIP:134.67.6.11;FPR:;RD:InfoNoRecords;MX:1;A:1;LANG:en;
Content-Type: multipart/alternative;
 boundary="_000_36c5170c08bb442396c243d04e90e098BLUPR09MB038namprd09p
ro_"
MIME-Version: 1.0
X-OriginatorOrg: epa.gov

To: gina.jackson@noa.gov[gina.jackson@noa.gov]; lois.shiffer@noaa.gov[lois.shiffer@noaa.gov]
From: Stoner, Nancy
Sent: Mon 11/4/2013 3:24:22 PM
Subject: Call w/ Lois Schiffer 316 (b)

When: Monday, November 04, 2013 12:30 PM-1:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Call 202-482-4080

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Kopocis, Ken
Sent: Sat 11/2/2013 2:27:22 AM
Subject: RE: Clean versions of the 316(b) Preamble and Rule

Ex. 5 - Deliberative

The Administrator did not want to commit beyond that time.

Let's discuss approaches on Monday. I do have some thoughts.

Ken

From: Stoner, Nancy
Sent: Friday, November 01, 2013 8:35 PM
To: Kopocis, Ken
Subject: Fw: Clean versions of the 316(b) Preamble and Rule

Maybe we need to discuss?

From: Wood, Robert
Sent: Friday, November 01, 2013 6:08:19 PM
To: Stoner, Nancy
Subject: Re: Clean versions of the 316(b) Preamble and Rule

Ex. 5 - Deliberative

Robert Wood
Director,
Engineering and Analysis Division
202-566-1822

From: Stoner, Nancy
Sent: Friday, November 01, 2013 5:28:27 PM
To: Wood, Robert
Subject: RE: Clean versions of the 316(b) Preamble and Rule

From whom are you looking for clearance? Me or Avi?

From: Wood, Robert
Sent: Friday, November 01, 2013 5:22 PM
To: Stoner, Nancy; Southerland, Elizabeth
Cc: Neugeboren, Steven
Subject: Re: Clean versions of the 316(b) Preamble and Rule

Nancy, I agree with you that Reed is a real gentleman and that he would likely give us the time. I'm prepared to work with Richard to ask him for that time. Can you just let us know when we are cleared for that date? Then we will go ahead and ask him. Thank you.

Robert Wood
 Director,
 Engineering and Analysis Division
 202-566-1822

From: Stoner, Nancy
Sent: Friday, November 01, 2013 5:13:45 PM
To: Southerland, Elizabeth
Cc: Kopocis, Ken; Wood, Robert; Zipf, Lynn; Neugeboren, Steven; Levine, MaryEllen
Subject: RE: Clean versions of the 316(b) Preamble and Rule

Thanks. I think we should ask for another week from Reed Super and tell him the truth – that we won't be getting the draft BiOp until just before Xmas so we need another week. Reed is one of the nicest people on the planet. I'll bet he gives it to us. I really don't want this team to be further inconvenienced any more than it necessary. Everyone has done such a stellar job.

From: Southerland, Elizabeth
Sent: Friday, November 01, 2013 4:38 PM
To: Barron, Alex; McGartland, Al; Balserak, Paul
Cc: Stoner, Nancy; Kopocis, Ken; Wood, Robert; Zipf, Lynn; Neugeboren, Steven; Levine, MaryEllen
Subject: FW: Clean versions of the 316(b) Preamble and Rule

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Alex, I assume you or someone from OP will transmit this to OMB after your review. Let us know when you send it to OMB so we can make sure we are all using the new OMB version of the rule.

Elizabeth Southerland, Director

Office of Science & Technology

Office Water

Room 5233A - MC - 4301T

Washington, D. C. 20460

Direct: (202) 566-0328

Fax: (202) 566-0441

From: Zipf, Lynn

Sent: Friday, November 01, 2013 4:29 PM

To: Southerland, Elizabeth

Cc: Wood, Robert; Hewitt, Julie; Matuszko, Jan; Shriner, Paul

Subject: Clean versions of the 316(b) Preamble and Rule

Lynn Zipf, Deputy Director

Engineering and Analysis Division

Office of Science and Technology

Office of Water

EPA West Room 6233A

(202) 564-1509

To: Administrator B6 [redacted]@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: Deputy Administrator[62Perciasepe.Bob73@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]
From: Kopocis, Ken
Sent: Sun 10/27/2013 7:22:53 PM
Subject: Re: 316b

Administrator,

On the items we discussed with Michael, I am still owed some additional information from some of the people I have been talking with -- a delay as a result of the shutdown. I believe I can have most, but not all, ready on Monday.

Ex. 5 - Deliberative

I will ensure that everything I have is included for Monday. The remainder should be complete this week.
 Ken

From: Administrator B6 [redacted]
Sent: Sunday, October 27, 2013 11:16:09 AM
To: Stoner, Nancy
Cc: Deputy Administrator; Ganesan, Arvin; Kopocis, Ken
Subject: Re: 316b

Thanks. I would like to have time to take a quick look at the changes before they go off. Let's plan to send to OMB in Tues am. Thanks.

Gina McCarthy
 Administrator

From: Stoner, Nancy
Sent: Sunday, October 27, 2013 10:35 AM
To: Adm13McCarthy, Gina
Cc: Deputy Administrator; Ganesan, Arvin; Kopocis, Ken
Subject: Re: 316b

Yes, that's the current plan. OP and I received final drafts for review on Friday afternoon. I have identified a few changes to conform better to my understanding of what you are looking for, but I anticipate having the final product ready by COB on Monday and sending it to OMB and to the Services simultaneously. I will also be calling the Services on Monday afternoon to talk them through it as we discussed.

Cc: All, including Ken

From: Administrator B6 [redacted]
Sent: Sunday, October 27, 2013 9:49:10 AM
To: Stoner, Nancy

Cc: Deputy Administrator; Ganesan, Arvin
Subject: 316b

Nancy - thanks for pushing on getting the ESA language done. I would like to see if we can get the 316b package ready to go as early as the end of the day Monday with all the remaining changes we need to incorporate: the ESA and the changes we walked Michael thru a while ago. If you have any questions on those let me know and we can set up a time to talk. Thanks.

Gina McCarthy
Administrator

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]
From: Wood, Robert
Sent: Thur 10/17/2013 8:03:13 PM
Subject: RE: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)
Questions re ESA coordination process under 316 (2) RW.docx

Nancy,

Attached are my additions to your answers to the OA questions. I did not know if you intended to provide this additional information to Lisa and Avi, but wanted to be sure you had it at your disposal. My additions are shown as underlined text. Thanks

Robert Wood

Engineering and Analysis Division

Office of Water

202-566-1822

From: Stoner, Nancy
Sent: Thursday, October 17, 2013 12:29 PM
To: Wood, Robert; Southerland, Elizabeth
Cc: Kopocis, Ken
Subject: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

We should tell Lisa/Avi and so forth that we want to remove the bridge language and get this over to OMB. I assume OGC is working on deadline extension, but we should confirm that.

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]
From: Neugeboren, Steven
Sent: Thur 10/17/2013 6:26:59 PM
Subject: RE: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

We will work with Rob to reach out to the Services.

From: Stoner, Nancy
Sent: Thursday, October 17, 2013 1:21 PM
To: Wood, Robert
Cc: Kopocis, Ken; Southerland, Elizabeth; Neugeboren, Steven; Levine, MaryEllen; Witt, Richard; Wade, Alexis; Hewitt, Julie; Matuszko, Jan
Subject: Re: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

OGC should take lead on deadline extension issue

From: Wood, Robert
Sent: Thursday, October 17, 2013 1:06:28 PM
To: Stoner, Nancy
Cc: Kopocis, Ken; Southerland, Elizabeth; Neugeboren, Steven; Levine, MaryEllen; Witt, Richard; Wade, Alexis; Hewitt, Julie; Matuszko, Jan
Subject: RE: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

I am working on the edits to the ESA preamble and will remove the bridge language.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Robert Wood

Engineering and Analysis Division

Office of Water

202-566-1822

From: Stoner, Nancy

Sent: Thursday, October 17, 2013 12:29 PM

To: Wood, Robert; Southerland, Elizabeth

Cc: Kopocis, Ken

Subject: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

We should tell Lisa/Avi and so forth that we want to remove the bridge language and get this over to OMB. I assume OGC is working on deadline extension, but we should confirm that.

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Southerland, Elizabeth
Sent: Thur 10/17/2013 4:50:12 PM
Subject: RE: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

We will draft up a note for you to send Lisa and Avi regarding the bridge language. We need to get the revised rule and preamble into interagency review as soon as possible.

Elizabeth Southerland, Director

Office of Science & Technology

Office Water

Room 5233A - MC - 4301T

Washington, D. C. 20460

Direct: (202) 566-0328

Fax: (202) 566-0441

From: Stoner, Nancy
Sent: Thursday, October 17, 2013 12:29 PM
To: Wood, Robert; Southerland, Elizabeth
Cc: Kopocis, Ken
Subject: here's the 316(b) Qs and As and revised flowchart (which I forgot to give to Jeff)

We should tell Lisa/Avi and so forth that we want to remove the bridge language and get this over to OMB. I assume OGC is working on deadline extension, but we should confirm that.

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Helen Golde - NOAA Federal
Sent: Thur 10/17/2013 1:58:22 PM
Subject: Read: RE: 316(b) consultation

Your message

To:
Subject: Read: RE: 316(b) consultation
Sent: Thursday, October 17, 2013 1:58:28 PM (UTC) Monrovia, Reykjavik

was read on Thursday, October 17, 2013 1:58:22 PM (UTC) Monrovia, Reykjavik.

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Helen Golde - NOAA Federal
Sent: Thur 10/17/2013 1:57:19 PM
Subject: Read: RE: 316(b) consultation

Your message

To:
Subject: Read: RE: 316(b) consultation
Sent: Thursday, October 17, 2013 1:57:26 PM (UTC) Monrovia, Reykjavik

was read on Thursday, October 17, 2013 1:57:19 PM (UTC) Monrovia, Reykjavik.

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Samuel Rauch - NOAA Federal
Sent: Wed 10/2/2013 1:35:58 PM
Subject: Read: RE: 316(b) consultation

Your message

To:
Subject: Read: RE: 316(b) consultation
Sent: Wednesday, October 02, 2013 1:36:02 PM (UTC) Monrovia, Reykjavik

was read on Wednesday, October 02, 2013 1:35:58 PM (UTC) Monrovia, Reykjavik.

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Samuel Rauch - NOAA Federal
Sent: Tue 10/1/2013 4:51:46 PM
Subject: Currently Unavailable RE: 316(b) consultation

I am currently unavailable to take e-mails on any issues other than for exempted purposes (immediate preservation of life and property) due to the lapse in FY14 appropriations. If you leave a message, I will be unable to respond until an appropriations bill has passed and operations are resumed. I sincerely regret this inconvenience.

--

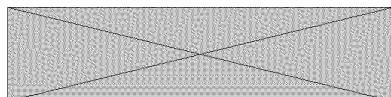
Samuel D. Rauch III
Deputy Assistant Administrator for Regulatory Programs,
performing the functions and duties of the Assistant Administrator for Fisheries
National Marine Fisheries Service/NOAA
U.S. Department of Commerce
301-427-8000

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Helen Golde - NOAA Federal
Sent: Tue 10/1/2013 4:51:46 PM
Subject: Out of office due to government closure RE: 316(b) consultation

I am currently unavailable to take e-mails to to the lapse in FY14 appropriations. I will be unable to respond to your email until an appropriations bill has passed and operations resume. I sincerely regret this inconvenience.

--

Helen M. Golde
Deputy Director
NOAA Fisheries
U.S. Department of Commerce
Office: 301-427-8400
Mobile: 240-429-0344
helen.golde@noaa.gov
www.nmfs.noaa.gov/pr/



Industry Stakeholder Coffee

Wednesday, March 20, 2013

9:00 - 10:00 a.m.

Room 3233 EPA East, 1201 Constitution Avenue, N.W.

Call-in Number: **Non-Responsive** conference code: **Non-Responsive**

AGENDA

PENDING ACTIONS (brief updates)

Betsy Southerland/OST

1. Effluent Guidelines Steam Electric (OMB)

*Requested by Dawn Kristof Champney, Executive VP, Global Communications

Question: Still scheduled for proposal on April 19?

2. Proposal to revise water quality standards regulation (OMB)

*Requested by Amanda Aspatore, Associate General Counsel, National Mining Association)

Peter Grevatt/OGWDW

3. National Primary Drinking Water Regulation: Group Regulation of Carcinogenic Volatile Compounds (Internal)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: Any new developments in the creation of a group to be regulated in proposed form by October 2013?

4. Regulatory Determination 3 (Internal)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: Still scheduled in proposal form for early 2013?

5. Lead and Copper Rule (Internal)

*Requested by Kristine Heine, Executive VP, Global Communications

Question: Will the Lead and Copper Rule lower amounts for copper or just address lead?

6. Arsenic Report to Congress (OMB)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: What is holding up the two reports to Congress on affordability for small systems and barriers to technology?

Randy Hill/OWM

7. Update: National Stormwater Rulemaking (Internal)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Questions/Comments: Post-Construction Stormwater Rule: Still scheduled for proposal on June 10? Construction Sites: What is the status of the propose rule for stormwater runoff from construction sites?

8. Vessel General Permit Ballast Rule (Internal)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Questions/Comments: Is it still on schedule to be released in final form on 3/23?

9. Update: Multi Sector General Permit (Internal)

*Requested by Amanda Aspatore, Associate General Counsel, National Mining Association

10. Concentrated Animal Feeding Operations Regulations Revision Rule

(Internal) *Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: Still scheduled to propose a rule on April 30 expanding universe of regulated CAFOs?

11. Electronic Reporting Rule (Internal)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: Wasn't the proposed rule supposed to be published last month?

OGWDW – Peter Grevatt

12. Update: Perchlorate

*Requested by Jim Rollins, Policy Navigation Group

Comments: Update including the SBREFA panel and SAB timing

13.Status: Guidance on implementation of the Lead Reduction Act

*Requested by Kristine Heine, Executive VP, Global Communications

OST – Betsy Southerland

14.Update: 316(b)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: Is June 27 still likely the date for the final rule?

15.Secondary Treatment Technology (OST & OWM)

*Requested by Dawn Kristof Champney, President, Water & Wastewater Equipment Manufacturers Association, Inc.

Question: What is the process EPA will use and timing for updating information on secondary treatment technology?

16.Update: Aquatic life advisory value for conductivity

*Requested by Amanda Aspatore, Associate General Counsel, National Mining Association)

Comments/Question: Recently released papers in SETAC journal. What are the agency's plans for next steps with respect to conductivity?

17.Update: Selenium criteria

*Requested by Amanda Aspatore, Associate General Counsel, National Mining Association)

Comments: Selenium criteria development status update – NODA, peer review,

proposal timing

OWM

18.Update: WaterSense - Veronica Blette

*Requested by Kristine Heine, Executive VP, Global Communications

Question: What other products are in the pipeline for WaterSense labels, and what's the timeline for them?

OWOW

19.Update: Waters of the U.S. – Nancy/Rachel Fertik

*Requested by Deidre Duncan (Hunton) & Amanda Aspatore (NMA)

Questions: Have decisions been made on finalizing the guidance? Conducting a rulemaking? Timing for either one?

20.Update: EPA's Connectivity Study – Rachel

*Requested by Amanda Aspatore, Associate General Counsel, National Mining Association)

Question: SAB panel to review EPA's connectivity studies – when will the nominating process begin and what studies will be looked at by the panel?

21.Update: Bristol Bay Draft Watershed Assessment – Rachel

*Requested by Amanda Aspatore, Associate General Counsel, National Mining Association)

Question: Timing for re-release?

22.Status of Chesapeake Bay TMDL offset programs – Nick

DiPasquale/Region 3

*This topic was raised at the last industry stakeholder meeting.

OTHER

23. Update: Importance of Water – John Powers

*Requested by Kristine Heine, Executive VP, Global Communications

Question: What are the next steps?

Industry Stakeholder Coffee

Wednesday, March 20, 2013

9:00 - 10:00 a.m.

Room 3233 EPA East, 1201 Constitution Avenue, N.W.

Call-in Number: **Non-Responsive** conference code: **Non-Responsive**

AGENDA

PENDING ACTIONS

1. Effluent Guidelines Steam Electric (OMB)
2. National Primary Drinking Water Regulation: Group Regulation of Carcinogenic Volatile Compounds (Internal)
3. Regulatory Determination 3 (Internal)
4. Lead and Copper Rule (Internal)
5. Electronic Reporting Rule (Internal)
6. Arsenic Report to Congress (OMB)
7. Update: National Stormwater Rulemaking (Internal)
8. Vessel General Permit Ballast Rule (Internal)
9. Concentrated Animal Feeding Operations Regulations Revision Rule (Internal)

OGWDW

10. Update: Perchlorate
11. Status: Guidance on implementation of the Lead Reduction Act

OST

12. Update: 316(b)
13. Secondary Treatment Technology (OST & OWM)

OWM

Update: WaterSense

OWOW

14. Status of Chesapeake Bay TMDL offset programs

OTHER

15. Update: Importance of Water

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Wood, Robert
Sent: Wed 9/25/2013 11:13:27 PM
Subject: Re: FWS [Ex. 5 - Deliberative]

Ken is communicating with Bob P and I'm awaiting Ken to give clearance to send to OMB.

Robert Wood
Director,
Engineering and Analysis Division
202-566-1822

From: Wood, Robert
Sent: Wednesday, September 25, 2013 7:02:23 PM
To: Stoner, Nancy; Peck, Gregory; Kopocis, Ken
Cc: Southerland, Elizabeth
Subject: Re: FWS [Ex. 5 - Deliberative]

No.

Robert Wood
Director,
Engineering and Analysis Division
202-566-1822

From: Stoner, Nancy
Sent: Wednesday, September 25, 2013 6:58:19 PM
To: Peck, Gregory; Kopocis, Ken
Cc: Wood, Robert; Southerland, Elizabeth
Subject: Re: FWS [Ex. 5 - Deliberative]

Adding Ken and Betsy. Has the revised text gone to OMB yet?

From: Peck, Gregory
Sent: Wednesday, September 25, 2013 4:02:43 PM
To: Stoner, Nancy
Cc: Wood, Robert
Subject: FWS ESA Consultation

Gary Frazer just called from FWS about the schedule for completing the B.O. for the 316(b) rule. He indicated that he's afraid they will not be able to meet the schedule the agencies have committed to. Lets talk tomorrow when your back about the details of his call.

Greg

Gregory E. Peck

Chief of Staff

Office of Water

1200 Pennsylvania Avenue

Washington, D.C. 20460

202-564-5700

To: Peck, Gregory[Peck.Gregory@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Wood, Robert
Sent: Wed 9/25/2013 8:15:29 PM
Subject: RE: FWS ESA Consultation

Thanks for copying me Greg. I'm hearing the same thing from Paul Souza, Gary's deputy. I'm adding Ken who is aware of the urgency.

From: Peck, Gregory
Sent: Wednesday, September 25, 2013 4:03 PM
To: Stoner, Nancy
Cc: Wood, Robert
Subject: FWS ESA Consultation

Gary Frazer just called from FWS about the schedule for completing the B.O. for the 316(b) rule. He indicated that he's afraid they will not be able to meet the schedule the agencies have committed to. Lets talk tomorrow when your back about the details of his call.

Greg

Gregory E. Peck

Chief of Staff

Office of Water

1200 Pennsylvania Avenue

Washington, D.C. 20460

202-564-5700

To: Dreher, Robert (ENRD)[Robert.Dreher2@usdoj.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Dreher, Robert (ENRD)
Sent: Wed 5/14/2014 2:46:36 PM
Subject: Dreher/Kopocis Call Discuss CWA 316(b) - ESA Consultation

When: Wednesday, May 14, 2014 1:00 PM-1:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: (202-564-5700)

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

To: Dreher, Robert (ENRD)[Robert.Dreher2@usdoj.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]
From: Dreher, Robert (ENRD)
Sent: Wed 3/5/2014 10:36:15 PM
Subject: 316b Rule Meeting

When: Thursday, March 06, 2014 9:30 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).

Where: DOJ Main Building, 950 Constitution Ave., NW Room 2143

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Visitor List: Avi Garbow, Steve Neugeboren, Hilary Tompkins, Ted Bolling, Gary Frazer, Lois Schiffer, Sam Rauch, Donna Wieting, and Pam Lawrence

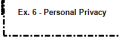
To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Lois Schiffer - NOAA Federal
Sent: Wed 9/4/2013 2:40:25 PM
Subject: 316(b)

Nancy- if you have a chance this morning please call me about this. Lois

--

Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Sarah Greenberger
Sent: Thur 8/29/2013 7:31:51 PM
Subject: You free?

Need to circle on comments on the 316(b) rule? Lots of conflicting stories here. Give a call  but our plan is to submit today.
y

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Goo, Michael
Sent: Tue 8/20/2013 7:50:59 PM
Subject: Rules at OMB for you perusal

OW

Stormwater MSGP 2013; Draft

Received by OMB 4/16/2013; Actual days = 126

Clean Water Protection Guidance; Final

Received by OMB 2/21/2012; Actual days = 546

Small Vessels General Permit (sVGP); Final

Received by OMB 2/8/2013; Actual days = 193

NPDES Permits for CAFOs - Who Must Apply?; Final

Sent to OMB 3/6/2012; Actual days = 532

§316(b) Cooling Water Intake Existing Facilities Rule; Final Action

Settlement Agreement - 11/4/2013

Received by OMB 7/30/2013; Actual days = 21

Stormwater TMDL Memo - Revisions to the 11/22/2002 Memorandum; 2012 Update

Sent to OMB 3/13/2012; Actual days = 525

NPDES: Use of Sufficiently Sensitive Test Methods; Final Action

Received by OMB 8/8/2011; Actual days = 743

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
From: Wood, Robert
Sent: Fri 8/16/2013 7:02:16 PM
Subject: Re: 316(b)

Thanks. We are aware and will cover it.

Robert Wood
Director,
Engineering and Analysis Division
202-566-1822

From: Stoner, Nancy
Sent: Friday, August 16, 2013 2:02:41 PM
To: Wood, Robert; Southerland, Elizabeth
Subject: 316(b)

KEG has a 12866 mtg scheduled for early Sept w/OMB. Want to be sure you know
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To: Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]
From: Lousberg, Macara
Sent: Fri 7/26/2013 6:09:47 PM
Subject: FW: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

FYI in case you hadn't heard.

From: Nelson, Tomeka
Sent: Friday, July 26, 2013 2:06 PM
To: Lousberg, Macara; Krieger, Andrew
Cc: Evalenko, Sandy
Subject: FW: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

FYI

From: Muellerleile, Caryn
Sent: Friday, July 26, 2013 2:03 PM
To: Goo, Michael; Cristofaro, Alexander; Owens, Nicole; Schaaff, Lesley; Balserak, Paul; Barron, Alex
Cc: Wood, Robert; Zipf, Lynn; Hewitt, Julie; Evalenko, Sandy; Nelson, Tomeka; Scozzafava, MichaelE; Clark, Spencer
Subject: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

Today OP transmitted to OMB for interagency review the economically significant 316(b) final rule.

ROCIS Agenda/Regs

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RIN: 2040-AE95 (201310)


Stage of Rulemaking: Final Rule Stage

Title: Criteria and Standards for Cooling Water Intake Structures

Agency/Sub Agency: 2040 EPA/WATER

Submitted By: Caryn Muellerleile

EO Review Package



EO Review Package was successfully submitted at 07/26/2013 13:54:05 PM.

The following documents were submitted for interagency review:

Primary Document: [EO12866_Cooling Water Intakes_2040-AE95_Preamble_20130722.docx](#)

Supplementary Documents

| Title | |
|--|-----------------------------------|
| EO12866_Cooling Water Intakes_2040-AE95_Final_Rule_20130722.docx | EO12866_Cooling W |
| EO12866_Cooling Water Intakes_2040_AE95_BenAnal_20130719 (2).pdf | EO12866_Cooling W |
| EO12866_Cooling Water Intakes_AE95-2040_EconAnal_20130605.pdf | EO12866_Cooling W |

Thank you,

Caryn Muellerleile
Regulatory Management Division
Office of Policy
US Environmental Protection Agency
1200 Pennsylvania Ave NW (1806A)
Washington, DC 20460
(202) 564-2855
muellerleile.caryn@epa.gov

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]
Cc: Lape, Jeff[lape.jeff@epa.gov]; Ortiz, Agnes[Ortiz.Agnes@epa.gov]; Krieger, Andrew[Krieger.Andrew@epa.gov]; Lalley, Cara[Lalley.Cara@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]
From: Wood, Robert
Sent: Fri 7/26/2013 6:06:12 PM
Subject: FW: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

316(b) was submitted to OMB today. This is the version Julie sent late Monday. Progress!

Robert Wood
 Engineering and Analysis Division
 Office of Water
 202-566-1822

From: Muellerleile, Caryn
Sent: Friday, July 26, 2013 2:03 PM
To: Goo, Michael; Cristofaro, Alexander; Owens, Nicole; Schaaff, Lesley; Balserak, Paul; Barron, Alex
Cc: Wood, Robert; Zipf, Lynn; Hewitt, Julie; Evalenko, Sandy; Nelson, Tomeka; Scozzafava, MichaelE; Clark, Spencer
Subject: APPROVED & TRANSMITTED to OMB: Criteria and Standards for Cooling Water Intake Structures

Today OP transmitted to OMB for interagency review the economically significant 316(b) final rule.

ROCIS Agenda/Regs

| | | | | | | |
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RIN: 2040-AE95 (201310)

Stage of Rulemaking: Final Rule Stage

Title: Criteria and Standards for Cooling Water Intake Structures

Agency/Sub Agency: 2040 EPA/WATER

Submitted By: Caryn Muellerleile

EO Review Package

EO Review Package was successfully submitted at 07/26/2013 13:54:05 PM.

The following documents were submitted for interagency review:

Primary Document: [EO12866_Cooling Water Intakes_2040-AE95_Preamble_20130722.docx](#)

Supplementary Documents

| Title | |
|--|-------------------------------------|
| EO12866_Cooling Water Intakes_2040-AE95_Final_Rule_20130722.docx | EO12866_Cooling Wat |
| EO12866_Cooling Water Intakes_2040_AE95_BenAnal_20130719 (2).pdf | EO12866_Cooling Wat |
| EO12866_Cooling Water Intakes_AE95-2040_EconAnal_20130605.pdf | EO12866_Cooling Wat |

Thank you,

Caryn Muellerleile
 Regulatory Management Division
 Office of Policy
 US Environmental Protection Agency
 1200 Pennsylvania Ave NW (1806A)
 Washington, DC 20460
 (202) 564-2855
muellerleile.caryn@epa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Penman, Crystal
Sent: Fri 6/21/2013 1:35:06 PM
Subject: RE: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

On calendar as a call in and as in person. I called NOAA and FWS to ensure the invites are on the outside group calendar, including Michael Bean.

From: Stoner, Nancy
Sent: Friday, June 21, 2013 2:10 AM
To: Penman, Crystal
Subject: Re: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

This same group would like to meet on July 2 from 2-3:30. Please set it up for a conf call as well as in-person mtg in 3233. I will be out, but Ken and Ellen will cover. Thx

From: Penman, Crystal
Sent: Thursday, June 20, 2013 11:45:08 AM
To: Stoner, Nancy
Subject: RE: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

You have this.

From: Stoner, Nancy
Sent: Thursday, June 20, 2013 11:42 AM
To: Penman, Crystal
Subject: FW: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

For 2 pm – note the difficulties with the invitation

From: Wood, Robert

Sent: Thursday, June 20, 2013 11:23 AM

To: Donna.Wieting@noaa.gov; gary_frazer@fws.gov; paul_souza@fws.gov; helen.golde@noaa.gov; lois.schiffer@noaa.gov; michael_bean@ios.doi.gov

Cc: Jennifer.Schultz@noaa.gov; Ron.Dean@noaa.gov; Pamela.Lawrence@noaa.gov; Drew_Crane@fws.gov; Patrice_Ashfield@fws.gov; Rick_Sayers@fws.gov; Stoner, Nancy; Hewitt, Julie; Kopocis, Ken; Gilinsky, Ellen; Sawyers, Andrew; Southerland, Elizabeth; Mallory, Brenda; Neugeboren, Steven; Levine, MaryEllen; Wade, Alexis; Witt, Richard; Penman, Crystal; Zipf, Lynn

Subject: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in 1-

Non-Responsive

Colleagues at the Services:

There was apparently a problem with the meeting invitation for today's 2PM management check-in and some of you on the invitation did not receive it or did not receive the call-in information. The call-in number and pass code are above. In addition, a suggested agenda is below and attached. I hope some of you can make it. I do not anticipate it will take the whole hour. Thanks

- Confirm Services' receipt of EPA letter requesting formal consultation, biological evaluation, and draft final rule and preamble
- Clarify timing of Services' written response to EPA request, including time frames.
- Confirm schedule (requested) for final rule signature: November 4, 2013
- Confirm plan for bi-weekly meetings starting: 6/25
- Discuss next steps in identifying and agreeing on Reasonable and Prudent Alternatives early in the consultation process.
- Other?

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]
From: Witt, Richard
Sent: Wed 6/19/2013 11:12:35 PM
Subject: RE: 316(b)

No. The date we have proposed is November 5 which should be 135 days from the letter.

From: Stoner, Nancy
Sent: Wednesday, June 19, 2013 7:03 PM
To: Wood, Robert; Southerland, Elizabeth; Neugeboren, Steven; Witt, Richard; Levine, MaryEllen
Subject: 316(b)

Heard from Lois in advance of tomorrow's call that her folks are upset that we are no longer giving them 135 days for consultation. It was news to me. I know that we lost about a week in getting the formal consultation going, but she said we said we have to be done by Sept 5. That is less than 90 days. What is she talking about?

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: Penman, Crystal[Penman.Crystal@epa.gov]
From: Lois Schiffer - NOAA Federal
Sent: Wed 6/19/2013 9:38:14 PM
Subject: Re: Are you participating in the meeting tomorrow on 316(b)?

Yes

Sent from my iPhone

On Jun 19, 2013, at 5:36 PM, "Stoner, Nancy" <Stoner.Nancy@epa.gov> wrote:

>

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To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Wood, Robert
Sent: Tue 6/18/2013 9:51:19 PM
Subject: Re: Letter Requesting Formal Consultation on EPA's Final Regulations on Cooling Water Intake Structures

Thanks, Nancy. It's progress!

Robert Wood
Director
Engineering and Analysis Division
202-566-1822

From: Stoner, Nancy
Sent: Tuesday, June 18, 2013 5:12:32 PM
To: Wood, Robert
Subject: RE: Letter Requesting Formal Consultation on EPA's Final Regulations on Cooling Water Intake Structures

Woohoo!

From: Wood, Robert
Sent: Tuesday, June 18, 2013 4:15 PM
To: Donna.Wieting@noaa.gov; gary_frazer@fws.gov
Cc: paul_souza@fws.org; helen.golde@noaa.gov; lois.schiffer@noaa.gov; michael_bean@ios.doi.gov; Jennifer.Schultz@noaa.gov; Ron.Dean@noaa.gov; Pamela.Lawrence@noaa.gov; Drew_Cranc@fws.gov; Patrice_Ashfield@fws.gov; Rick_Sayers@fws.gov; Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Goo, Michael; Neugeboren, Steven; Hewitt, Julie; Sussman, Bob; Southerland, Elizabeth; Balserak, Paul; Levine, MaryEllen; Witt, Richard; Wade, Alexis; Born, Tom; Zipf, Lynn
Subject: Letter Requesting Formal Consultation on EPA's Final Regulations on Cooling Water Intake Structures

Colleagues,

Attached as promised is EPA's letter to the Services requesting formal consultation on the EPA's final regulations to establish requirements for cooling water intake structures at existing facilities. I greatly appreciate your willingness to agree to formal consultation within the time frames we discussed in our meeting here at EPA on June 5th. Nancy Stoner is arranging a senior management check-in call with you for Thursday June 20 at 2:00 PM to discuss next steps. If you haven't already received an invitation from Nancy's office, one should be coming shortly. I hope you can make it.

Under separate cover, I am sending you EPA's Biological Evaluation and a deliberative, pre-decisional copy the draft final 316(b) rule that is currently awaiting submittal for interagency review.

Thanks, and I look forward to continuing to work with you on this important rulemaking.

Rob Wood

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

To: Edward Boling[ted.boling@sol.doi.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; Sarah Greenberger[sarah_greenberger@ios.doi.gov]; Gary Frazer[gary_frazer@fws.gov]; Peg Romanik[peg.romanik@sol.doi.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Rick Sayers[rick_sayers@fws.gov]
From: Edward Boling
Sent: Mon 1/13/2014 6:19:32 PM
Subject: FW: Invitation: 316b @ Mon Jan 13, 2014 2pm - 2:30pm (ted.boling@sol.doi.gov) [invite.ics](#)

-----Original Appointment-----

From: Edward Boling [<mailto:ted.boling@sol.doi.gov>]
Sent: Monday, January 13, 2014 12:14 PM
To: Edward Boling; lois.schiffer@noaa.gov; Sarah Greenberger; Gary Frazer; Peg Romanik; Garbow, Avi; Rick Sayers
Subject: Invitation: 316b @ Mon Jan 13, 2014 2pm - 2:30pm (ted.boling@sol.doi.gov)
When: Monday, January 13, 2014 2:00 PM-2:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Call In: { [Non-Responsive](#) }

[more details »](#)

316b

When
Where
Calendar
Who

Mon Jan 13, 2014 2pm - 2:30pm Eastern Time

Call In: { [Non-Responsive](#) }
ted.boling@sol.doi.gov

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*

Kimberly Edwards
lois.schiffer@noaa.gov
Sarah Greenberger
Gary Frazer
Peg Romanik
garbow.avi@epa.gov
Rick Sayers

Going? **Yes - Maybe - No** [more options »](#)
Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account garbow.avi@epa.gov because you are an attendee of this event.

To stop receiving future notifications for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

316b**Call In:** Non-Responsive**20140113T190000Z****CONFIRMED****PRODID**

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20140113T190000Z

End Date/Time

20140113T193000Z

DTSTAMP

20140113T171325Z

ORGANIZER (CN=Edward Boling)

mailto:ted.boling@sol.doi.gov

UID

5rluv90aumr4tms1tnklojrp@google.com

Attendee**mailto:lois.schiffer@noaa.gov***Role* REQ-PARTICIPANT*RSVP* TRUE**Attendee****mailto:sarah_greenberger@ios.doi.gov***Role* REQ-PARTICIPANT*RSVP* TRUE**Attendee****mailto:gary_frazer@fws.gov***Role* REQ-PARTICIPANT*RSVP* TRUE**Attendee****mailto:peg.romanik@sol.doi.gov***Role* REQ-PARTICIPANT*RSVP* TRUE**Attendee****mailto:garbow.avi@epa.gov***Role* REQ-PARTICIPANT*RSVP* TRUE**Attendee****mailto:rick_sayers@fws.gov**

Role REQ-PARTICIPANT
RSVP TRUE

Attendee <mailto:ted.boling@sol.doi.gov>

Role REQ-PARTICIPANT
RSVP TRUE

CREATED

20140113T171324Z

Description

View your event at http://www.google.com/calendar/event?action=VIEW&eid=NXJsdXZtOTBhdW1yNHRtczF0bmtsb2pycGcgZ2FyYm93LmF2aUBlcGEuZ292&tok=MjljdGVkLmJvbGluZ0Bzb2wuZG9pLmdvdjE4NTA0MmFiY2U1NTY2NTZkM2l1MDc1YjU0ZTZjMTVmY2l5ZGJjZjg&ctz=America/New_York&hl=en.

Last Modified

20140113T171324Z

Location

Call In: Non-Responsive

Sequence Number

0

Status

CONFIRMED

Summary

316b

Time Transparency

OPAQUE

From: Kopocis, Ken
Sent: Fri 1/10/2014 8:15:06 PM
Subject: 316(b) Meeting with OMB

To: nicole_buffa@ios.doi.gov[nicole_buffa@ios.doi.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Sarah Greenberger[sarah_greenberger@ios.doi.gov]; Edward Boling[ted.boling@sol.doi.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]
From: nicole_buffa@ios.doi.gov
Sent: Fri 12/20/2013 2:22:38 PM
Subject: 316(b) check-in

To: Garbow, Avi[Garbow.Avi@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; ted.boling@sol.doi.gov[ted.boling@sol.doi.gov]
From: Garbow, Avi
Sent: Thur 12/19/2013 7:56:10 PM
Subject: Meeting re: 316(b) (Call in number: Non-Responsive)

Lois/Ted, you may include whomever you like. Thanks.

To: Kopocis, Ken[Kopocis.Ken@epa.gov]; ann.w.loomis@dom.com[ann.w.loomis@dom.com];
Vaught, Laura[Vaught.Laura@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]
Cc: Carrie Jenks[cjenks@mjb Bradley.com]
From: Penman, Crystal
Sent: Thur 12/12/2013 6:18:53 PM
Subject: Meeting with MJ Bradley and Associates

-----Original Message-----

From: Ann W Loomis (Services - 6) [mailto:ann.w.loomis@dom.com]
Sent: Thursday, December 12, 2013 9:37 AM
To: Kopocis, Ken; Vaught, Laura
Subject: 316(b) meeting request

Ken,

Carrie Jenks with MJ Bradley and Associates and I would like to meet with you to discuss a couple of final significant 316(b) issues. We have met with OMB and have an understanding of a few provisions that deserve further discussion. Given that Carrie will be flying in from Boston, here are a few times for your consideration:

Tuesday 17th - 4:00 pm

Wednesday 18th - 9:00 am

Thursday 19 - almost any time

Thanks,

Ann

Ann Loomis
Dominion
202-585-4205

ÿ

From: Kopocis, Ken
Sent: Mon 12/16/2013 11:00:57 PM
Subject: Cooling Water Check-in with OMB and Services

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Born, Tom[Born.Tom@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Saxena, Juhi[Saxena.Juhi@epa.gov]; Piziali, Jamie[Piziali.Jamie@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Chan, Jennifer[Chan.Jennifer@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Behl, Betsy[Behl.Betsy@epa.gov]; lois.schiffer@noaa.gov[lois.schiffer@noaa.gov]; pamela.lawrence@noaa.gov[pamela.lawrence@noaa.gov]; ron.dean@noaa.gov[ron.dean@noaa.gov]; jennifer.schultz@noaa.gov[jennifer.schultz@noaa.gov]; mike.tust@noaa.gov[mike.tust@noaa.gov]; kristine.petesen@noaa.gov[kristine.petesen@noaa.gov]; helen.golde@noaa.gov[helen.golde@noaa.gov]; gary_frazer@fws.gov[gary_frazer@fws.gov]; paul_souza@fws.gov[paul_souza@fws.gov]; patrice_ashfield@fws.gov[patrice_ashfield@fws.gov]; rick_wayers@fws.gov[rick_wayers@fws.gov]; drew_crane@fws.gov[drew_crane@fws.gov]; michael_bean@ios.doi.gov[michael_bean@ios.doi.gov]; donna.wieting@noaa.gov[donna.wieting@noaa.gov]

Cc: Kopocis, Ken[Kopocis.Ken@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Jones, Gail-R[Jones.Gail-R@epa.gov]

To: wieting@noaa.gov[wieting@noaa.gov]

From: /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDA7244A389640C3BAC29EECEF1DB4A1-STONER, NANCY

Subject: Endangered Species Act Constultation for 316(b) Cooling Water Intake Rule Call in Non-Responsive

[Agenda for 8-28-13 316b ESA Consultation.docx](#)
[2013_08_28_15_00_18.pdf](#)

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
Cc: Zipf, Lynn[Zipf.Lynn@epa.gov]; Lape, Jeff[lape.jeff@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]
From: Wood, Robert
Sent: Fri 6/7/2013 8:46:43 PM
Subject: RE: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

OK. Have a nice weekend.

From: Stoner, Nancy
Sent: Friday, June 07, 2013 4:31 PM
To: Wood, Robert; Southerland, Elizabeth
Cc: Zipf, Lynn; Lape, Jeff
Subject: RE: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

Ex. 5 - Deliberative

From: Wood, Robert
Sent: Friday, June 07, 2013 1:26 PM
To: Stoner, Nancy; Southerland, Elizabeth
Cc: Zipf, Lynn; Lape, Jeff
Subject: RE: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

We sent the attached letter last Friday declining to grant an extension. It says we do not expect to extend the deadline and why. We're planning to use this as the model response (updated to reflect today's publication) for other requests. We have at least one in the works now (Buckeye Power incorporated), and now Rich Bozek's. No extensions have been granted, of course.

Robert Wood

Engineering and Analysis Division

Office of Water

202-566-1822

From: Stoner, Nancy
Sent: Friday, June 07, 2013 1:17 PM
To: Wood, Robert; Southerland, Elizabeth
Subject: RE: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

Have we already granted or declined to grant an extension to anyone? I'm cognizant of the CD deadline and to the fact that these are the 316(b) folks as well.

From: Wood, Robert
Sent: Friday, June 07, 2013 1:02 PM
To: Stoner, Nancy; Southerland, Elizabeth
Subject: RE: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

Comment clock started today and goes through August 6. Rule was signed April 19 and posted on our website April 20. So they have had the rule for 49 days, not including today (but not the supporting documents like the technical development document, environmental assessment and cost benefit analysis).

Robert Wood

Engineering and Analysis Division

Office of Water

202-566-1822

From: Stoner, Nancy
Sent: Friday, June 07, 2013 12:25 PM
To: Southerland, Elizabeth; Wood, Robert
Subject: FW: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

How long have they had the rule already? Comment clock just started running yesterday, right?

From: Bozek, Richard [mailto:RBozek@eei.org]

Sent: Friday, June 07, 2013 11:05 AM

To: Alicea, Jezebele

Cc: Ex. 6 - Personal Privacy

Mccarthy, Gina; Perciasepe Bob; Stanislaus, Mathy; Stoner, Nancy

Subject: EEI Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines

June 7, 2013

Re: Request for Extension of Comment Deadline for Proposed Effluent Limitations Guidelines and Standards for the Steam Electric Power Category EPA-HQ-OW-2009-0819, RIN 2040-AF14

Dear Ms. Alicea-Virella:

In the attached letter, the Edison Electric Institute (EEI) requests that the U.S. Environmental Protection Agency (EPA) extend the current 60-day comment period for the proposed revisions to the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, RIN 2040-AF14. To ensure sufficient time for our industry's analysis of the extensive proposed rule, supporting documents, and underlying record -and for us to be able to provide EPA meaningful comments on which to make a better informed decision -EEI respectfully requests that EPA grant an extension of an additional 90 days.

If you have any questions on this matter, please contact me at (202) 508-5641. Thank you for your consideration of this request.

C. Richard Bozek

Director, Environmental Policy

Edison Electric Institute

701 Pennsylvania Ave., N.W.

Washington, D.C. 20004-2696

(202) 508-5641

Rbozek@eei.org

To: Maddox, Donald[Maddox.Donald@epa.gov]
Cc: Lois Schiffer - NOAA Federal[lois.schiffer@noaa.gov]; gina.jackson@noaa.gov[gina.jackson@noaa.gov]; Michael Bean[michael_bean@ios.doi.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; abbie.mimiko@noaa.gov[abbie.mimiko@noaa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Jones, Gail-R[Jones.Gail-R@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]
From: Marilou Shanefelt - NOAA Federal
Sent: Tue 6/4/2013 3:30:23 PM
Subject: Re: Meeting on ESA issues for EPA 316b Rulemaking

Thank you.

On Tue, Jun 4, 2013 at 11:22 AM, Maddox, Donald <Maddox.Donald@epa.gov> wrote:

Team – It appears that the 5:00 pm time tomorrow seems to be narrowing down as the slot with the most participants. Can we go ahead and lock that down on our schedules and if we develop any issues with that time tomorrow we can take a second look. Thanks to everyone for responding so quickly. I will send out an invite shortly.

v / r

Don

Don Maddox

Office of the Acting Administrator &

Office of the Senior Policy Counsel

maddox.donald@epa.gov

Office: [202-564-8443](tel:202-564-8443)

Direct: [202-564-7207](tel:202-564-7207)

To: Magruder, DeMara[Magruder.Demara@epa.gov]
From: Kopocis, Ken
Sent: Mon 5/12/2014 5:46:36 PM
Subject: FW: 316(b) Rollout meeting
WAVES.xls

Please submit soonest for today.

Thanks,

Ken

From: **Ex. 6 - Personal Privacy**
Sent: Monday, May 12, 2014 1:44 PM
To: Kopocis, Ken
Subject: RE: 316(b) Rollout meeting

Ken,

No, I have not received them. I have attached the form. Please send as soon as possible.

Thanks!

Jenae

From: Kopocis, Ken [<mailto:Kopocis.Ken@epa.gov>]
Sent: Monday, May 12, 2014 1:38 PM
To: { **Ex. 6 - Personal Privacy** }
Subject: 316(b) Rollout meeting

Did you get my waves for today's meeting at 3:30?

Ken Kopocis

Office of Water

U.S. EPA

(202) 564-5700

To: Beauvais, Joel[Beauvais.Joel@epa.gov]
From: Kopocis, Ken
Sent: Tue 4/29/2014 6:08:01 PM
Subject: FW: Ex. 5 - Deliberative
Ex. 5 - Deliberative

As you requested.

Ken

From: Hewitt, Julie
Sent: Monday, April 28, 2014 2:38:12 PM
To: Kopocis, Ken; Southerland, Elizabeth
Cc: Wood, Robert; Zipf, Lynn
Subject: Ex. 5 - Deliberative

Shows edits relative to the version OMB currently has in hand.

To: Beauvais, Joel[Beauvais.Joel@epa.gov]
From: Kopocis, Ken
Sent: Mon 3/10/2014 12:09:04 PM
Subject: FW: 316(b) rule and preamble for OMB
[EO12866 Cooling Water Intakes 2040-AE95 Final Rule compare 20131127 to 20140307.docx](#)
[EO12866 Cooling Water Intakes 2040 AE95 Final Preamble 20140307.clean.docx](#)
[EO12866 Cooling Water Intakes 2040-AE95 Final Rule 20140307.clean.docx](#)
[EO12866 Cooling Water Intakes 2040-AE95 Preamble compare 20131127 to 20140307.docx](#)

Joel,

Here are the 316(b) docs sent to Paul. I did not get to the preamble yet, it was WOTUS's fault.

Ken

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Penman, Crystal
Sent: Fri 5/10/2013 12:25:51 PM
Subject: RE: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

May 15 @ 9AM. Ken can cover the Coffee w/Industry Stakeholders

From: Stoner, Nancy
Sent: Friday, May 10, 2013 7:52 AM
To: Penman, Crystal
Subject: Fw: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

Pls let me know what you find. Thx

From: Gina Jackson - NOAA Federal
Sent: Friday, May 10, 2013 7:38:45 AM
To: Stoner, Nancy
Cc: Cash, Debbie; Penman, Crystal
Subject: Re: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

Reminder: I'm waiting on a new date/time for this meeting. Thanks.

On Tue, May 7, 2013 at 10:53 AM, Gina Jackson - NOAA Federal <gina.jackson@noaa.gov> wrote:

Good morning Nancy,

Lois's 1:00pm-3:00pm slot is no longer on May 15th. Below is her revised availability for next week:

Tuesday, May 14th: 1:30pm or 4:00pm

Wednesday, May 15th: 9:00am

Thursday, May 16th: between 10:00am-12:00pm

Friday, May 17th: between 2:00pm-4:00pm

Thanks, Gina

On Mon, May 6, 2013 at 12:46 PM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

We will work with those times. thanks

From: Gina Jackson - NOAA Federal [mailto:gina.jackson@noaa.gov]

Sent: Monday, May 06, 2013 8:22 AM

To: Stoner, Nancy

Cc: Lois Schiffer - NOAA Federal

Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

Good morning Nancy,

Lois Schiffer is not available on May 15th at 10:00am-10:45; however, she can do 9:00am, 1:00pm or 2:00pm on the same day. Please let me know if any of those times will work.

Thanks, Gina

Gina Jackson
Office Manager
NOAA Office of the General Counsel

U.S. Department of Commerce
202-482-4080 (Office)

202-482-4893 (Fax)

----- Forwarded message -----

From: **Lois Schiffer - NOAA Federal** <lois.schiffer@noaa.gov>

Date: Fri, May 3, 2013 at 4:33 PM

Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-

Non-Responsive

To: Gina Jackson <Gina.Jackson@noaa.gov>

----- Forwarded message -----

From: **Stoner, Nancy** <Stoner.Nancy@epa.gov>

Date: Fri, May 3, 2013 at 12:12 PM

Subject: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi" <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov" <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov" <gary_frazer@fws.gov>, "rick_sayers@fws.gov" <rick_sayers@fws.gov>, "drew_crane@fws.org" <drew_crane@fws.org>, "patrice_ashfield@fws.org" <patrice_ashfield@fws.org>, "paul_souza@fws.org" <paul_souza@fws.org>, "jennifer.schultz@noaa.gov" <jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov" <pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov" <helen.golde@noaa.gov>

When: Wednesday, May 15, 2013 10:00 AM-10:45 AM (GMT-05:00) Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Lois Schiffer

General Counsel

National Oceanic & Atmospheric Administration

U.S. Department of Commerce

Phone: 202-482-4080

Cell: 202-573-1583

Email: Lois.Schiffer@noaa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: Cash, Debbie[Cash.Debbie@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]
From: Gina Jackson - NOAA Federal
Sent: Fri 5/10/2013 11:38:45 AM
Subject: Re: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in: Non-Responsive

Non-Responsive

Reminder: I'm waiting on a new date/time for this meeting. Thanks.

On Tue, May 7, 2013 at 10:53 AM, Gina Jackson - NOAA Federal <gina.jackson@noaa.gov> wrote:

Good morning Nancy,
Lois's 1:00pm-3:00pm slot is no longer on May 15th. Below is her revised availability for next week:

Tuesday, May 14th: 1:30pm or 4:00pm
Wednesday, May 15th: 9:00am
Thursday, May 16th: between 10:00am-12:00pm
Friday, May 17th: between 2:00pm-4:00pm

Thanks, Gina

On Mon, May 6, 2013 at 12:46 PM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

We will work with those times. thanks

From: Gina Jackson - NOAA Federal [mailto:gina.jackson@noaa.gov]
Sent: Monday, May 06, 2013 8:22 AM
To: Stoner, Nancy
Cc: Lois Schiffer - NOAA Federal
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water

Non-Responsive

Good morning Nancy,

Lois Schiffer is not available on May 15th at 10:00am-10:45;
however, she can do 9:00am, 1:00pm or 2:00pm on the same day.
Please let me know if any of those times will work.

Thanks, Gina

 Gina Jackson
 Office Manager
 NOAA Office of the General Counsel

U.S. Department of Commerce
202-482-4080 (Office)

202-482-4893 (Fax)

----- Forwarded message -----

From: **Lois Schiffer - NOAA Federal** <lois.schiffer@noaa.gov>
 Date: Fri, May 3, 2013 at 4:33 PM
 Subject: Fwd: Endangered Species Act Consultation for 316(b) _
 cooling Water Intake Call in **Non-Responsive**
Non-Responsive
 To: Gina Jackson <Gina.Jackson@noaa.gov>

----- Forwarded message -----

From: **Stoner, Nancy** <Stoner.Nancy@epa.gov>
 Date: Fri, May 3, 2013 at 12:12 PM
 Subject: Endangered Species Act Consultation for 316(b) _
 cooling Water Intake Call in **Non-Responsive**
Non-Responsive
 To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi" <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov" <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov" <gary_frazer@fws.gov>, "rick_sayers@fws.gov" <rick_sayers@fws.gov>, "drew_crane@fws.org" <drew_crane@fws.org>, "patrice_ashfield@fws.org" <patrice_ashfield@fws.org>

<patrice_ashfield@fws.org>, "paul_souza@fws.org"
<paul_souza@fws.org>, "jennifer.schultz@noaa.gov"
<jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov"
<pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov"
<helen.golde@noaa.gov>

When: Wednesday, May 15, 2013 10:00 AM-10:45 AM (GMT-05:00)
Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time
adjustments.

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--

Lois Schiffer

General Counsel

National Oceanic & Atmospheric Administration

U.S. Department of Commerce

Phone: 202-482-4080

Cell: 202-573-1583

Email: Lois.Schiffer@noaa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: Lois Schiffer - NOAA Federal[lois.schiffer@noaa.gov]; Cash, Debbie[Cash.Debbie@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]
From: Gina Jackson - NOAA Federal
Sent: Tue 5/7/2013 2:53:35 PM
Subject: Re: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in: **Non-Responsive**
Non-Responsive

Good morning Nancy,
Lois's 1:00pm-3:00pm slot is no longer on May 15th. Below is her revised availability for next week:

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Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-

Non-Responsive

Good morning Nancy,

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Thanks, Gina

Gina Jackson
Office Manager
NOAA Office of the General Counsel

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202-482-4080 (Office)

202-482-4893 (Fax)

----- Forwarded message -----

From: **Lois Schiffer - NOAA Federal** <lois.schiffer@noaa.gov>
Date: Fri, May 3, 2013 at 4:33 PM
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in Non-Responsive
To: Gina Jackson <Gina.Jackson@noaa.gov>

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From: **Stoner, Nancy** <Stoner.Nancy@epa.gov>
Date: Fri, May 3, 2013 at 12:12 PM
Subject: Endangered Species Act Consultation for 316(b) _ cooling Water Intake
Non-Responsive
To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi" <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov" <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov" <gary_frazer@fws.gov>, "rick_sayers@fws.gov" <rick_sayers@fws.gov>, "drew_crane@fws.org" <drew_crane@fws.org>, "patrice_ashfield@fws.org" <patrice_ashfield@fws.org>, "paul_souza@fws.org" <paul_souza@fws.org>, "jennifer.schultz@noaa.gov" <jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov" <pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov" <helen.golde@noaa.gov>

When: Wednesday, May 15, 2013 10:00 AM-10:45 AM (GMT-05:00) Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

--

Lois Schiffer

General Counsel

National Oceanic & Atmospheric Administration

U.S. Department of Commerce

Phone: 202-482-4080

Cell: 202-573-1583

Email: Lois.Schiffer@noaa.gov

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
From: Penman, Crystal
Sent: Fri 4/26/2013 6:23:29 PM
Subject: RE: Materials for 316b OMB Pre-Brief at 5pm on April 25

This is the latest I received from Lynn Zipf. Printing.....

From: Zipf, Lynn
Sent: Wednesday, April 24, 2013 6:06 PM
To: Penman, Crystal; Scozzafava, MichaelE; Maddox, Donald
Cc: Skane, Elizabeth; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Born, Tom; Clark, Donetta
Subject: Materials for 316b OMB Pre-Brief at 5pm on April 25

Attached please find the draft OMB Briefing materials for the pre-brief tomorrow afternoon.

Will bring 4 copies to OW front office momentarily.

Don – could you please attach to meeting invite? Thank you.

Lynn Zipf, Deputy Director

Engineering and Analysis Division

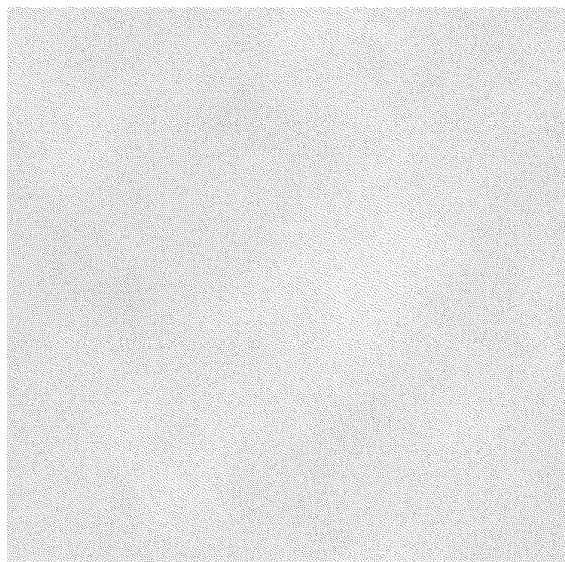
Office of Science and Technology

Office of Water

EPA West Room 6233A

(202) 564-1509

To: Feldt, Lisa[Feldt.Lisa@epa.gov]
From: Kopocis, Ken
Sent: Fri 1/17/2014 12:41:47 PM
Subject: RE: FYI: The Cooling Water...



Stuff happens.

From: Feldt, Lisa
Sent: Friday, January 17, 2014 7:41 AM
To: Kopocis, Ken; Garbow, Avi
Cc: Beauvais, Joel
Subject: RE: FYI: The Cooling Water...

Oops all I meant to say “there had not been a connection...” sorry for typo

Lisa Feldt

Associate Deputy Administrator

Office of the Administrator

Environmental Protection Agency

office: 202-564-4711

From: Kopocis, Ken
Sent: Friday, January 17, 2014 7:34 AM
To: Feldt, Lisa; Garbow, Avi
Cc: Beauvais, Joel
Subject: RE: FYI: The Cooling Water...

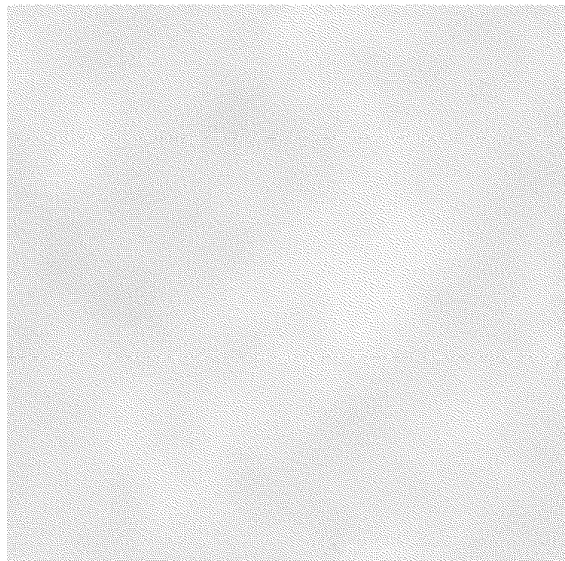
Okay. Hopefully it happens.

From: Feldt, Lisa
Sent: Thursday, January 16, 2014 10:39 PM
To: Garbow, Avi; Kopocis, Ken
Cc: Beauvais, Joel
Subject: Fw: FYI: The Cooling Water...

FYI. When I left tonight,

Ex. 5 - Deliberative

From: Porterfield, Teri
Sent: Thursday, January 16, 2014 6:44:18 PM
To: Feldt, Lisa
Subject: FYI: The Cooling Water...



Meeting has been rescheduled for tomorrow a.m. from 9:00 – 10:00 a.m. They haven't sent anything through to confirm yet but we have it as a "hold" on her calendar...

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]
From: Kopocis, Ken
Sent: Mon 1/6/2014 3:53:24 PM
Subject: RE: update from avi on 316b

Great.

From: Neugeboren, Steven
Sent: Monday, January 06, 2014 10:53 AM
To: Kopocis, Ken; Witt, Richard; Levine, MaryEllen
Subject: Re: update from avi on 316b

I can be there. Including richard and mary ellen.

From: Kopocis, Ken
Sent: Monday, January 06, 2014 10:44:25 AM
To: Neugeboren, Steven
Subject: RE: update from avi on 316b

Steve,

I scheduled an update meeting for us on the non-ESA issues of 316(b) at 11:15 this morning in 3233. Forgot to include OGC. Can you attend?

Ken

From: Neugeboren, Steven
Sent: Monday, January 06, 2014 10:31 AM
To: Kopocis, Ken; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Levine, MaryEllen; Witt, Richard; Wade, Alexis
Subject: update from avi on 316b

Just got a call from Avi and here is the latest from him:

Ex. 5 - Attorney Client / Deliberative

Steven Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Penn Ave., NW

Washington DC 20460

202-564-5488

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Kopocis, Ken
Sent: Mon 1/6/2014 3:44:25 PM
Subject: RE: update from avi on 316b

Steve,

I scheduled an update meeting for us on the non-ESA issues of 316(b) at 11:15 this morning in 3233. Forgot to include OGC. Can you attend?

Ken

From: Neugeboren, Steven
Sent: Monday, January 06, 2014 10:31 AM
To: Kopocis, Ken; Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Levine, MaryEllen; Witt, Richard; Wade, Alexis
Subject: update from avi on 316b

Just got a call from Avi and here is the latest from him:

Ex. 5 - Attorney Client/ Deliberative

Ex. 5 - Deliberative

Steven Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Penn Ave., NW

Washington DC 20460

202-564-5488



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Silver Spring, MD 20910

Robert K. Wood, Director
 Engineering and Analysis Division
 Office of Water
 Environmental Protection Agency

JUL 23 2013

Dear Mr. Wood:

On June 18, 2013, we received your request for formal consultation on the proposed "Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities," pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). We also received your biological evaluation, the draft regulation, and the draft preamble.

The Environmental Protection Agency (EPA) concluded that its proposed action was "not likely to adversely affect" endangered or threatened species or critical habitat designated for those species. Nonetheless, EPA requested initiation of formal section 7 consultation to ensure full and expeditious consideration of the impacts to listed species and critical habitat. At this time, we do not concur with your determination. After review of the draft proposed regulation and biological evaluation, we have determined that the proposed action is likely to adversely affect listed endangered and threatened species and critical habitat that has been designated for those species. As of June 18, 2013, we confirm initiation of formal consultation and conference (for proposed species) on the issuance and implementation of the proposed regulations, under the Clean Water Act, Section 316(b) (40 CFR 122 and 40 CFR 125).

The ESA requires that after initiation of formal consultation, the Action Agency may not make any irreversible or irretrievable commitment of resources that would preclude the formulation or implementation of any reasonable and prudent alternatives that would avoid violating section 7(a)(2) (50 CFR 402.09). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied (in this instance, the issuance of our biological opinion).

During consultation, we will work with EPA to recommend language to incorporate into its regulation and/or to implement additional activities to minimize impacts of the proposed action on ESA species and critical habitat. As described in our consultation plan, which we provided to you on December 19, 2012 and March 18, 2013, we will evaluate the direct and indirect effects of the action on threatened and endangered species and designated critical habitat. We will use this information, along with the environmental baseline and cumulative effects, to formulate our biological and conference opinion as to whether EPA has insured that its action is not likely to jeopardize the continued existence of any listed or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat.

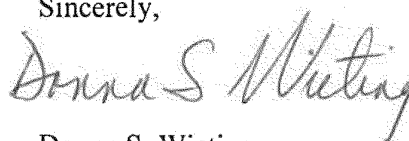


We will deliver our biological and conference opinion ("opinion") to EPA on October 31, 2013, unless we mutually agree upon an extension of the deadline. If we issue a "jeopardy" opinion, it will include a reasonable and prudent alternative(s), unless none exist. The opinion may also include an incidental take statement.

Following the issuance of our opinion, EPA determines whether and in what manner to proceed with the action in light of its section 7 obligations and our conclusions. If we issue a "jeopardy" opinion, EPA must notify us of its final decision on the action. If EPA determines that it cannot comply with the requirements of section 7(a)(2) after consultation, you may apply for an exemption under section 7(g) of the ESA. You are required to request reinitiation of section 7 consultation if: authorized take is exceeded; new information reveals effects that were not previously considered; the action is subsequently modified to cause effects that were not previously considered; or if newly listed species or designated critical habitat may be affected by the action.

If you have any questions, please contact Jennifer Schultz (301-427-8443). We look forward to working with you and your staff on this consultation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna S. Wieting". The signature is fluid and cursive, with the first name "Donna" being the most prominent part.

Donna S. Wieting
Director
Office of Protected Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 12 2013

In Reply Refer To:
FWS/AES/DER/BCH/055057
2013-F-0004

Mr. Robert K Wood, Director
Engineering and Analysis Division
Office of Water
U.S. Environmental Protection Agency
Washington, District of Columbia 20460

Subject: Request for Initiation of Formal Consultation on Environmental Protection Agency's
Final Regulation to Establish Requirements for Cooling Water Intake Structures at
Existing Facilities and Amend Requirements at Phase I Facilities

Dear Mr. Wood:

This letter acknowledges our receipt of your June 18, 2013, letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act of (ESA) of 1973, as amended (16 U.S.C. 1536(a)(2)). The consultation will address the possible effects of the Environmental Protection Agency's (EPA) final regulation to implement Section 316(b) of the Clean Water Act on federally threatened and endangered species and their critical habitats.

Your initiation request states that while EPA believes the rulemaking will not cause adverse effects to listed species, EPA is still requesting formal consultation to ensure full and expeditious consideration of impacts to listed species under Section 7(a)(2) of the ESA. We expect to conclude consultation with your agency on October 31, 2013, unless we mutually agree upon an extension of the deadline.

We look forward to working with you and your staff. If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Drew Crane (703-358-2409; Drew_Crane@fws.gov) or Patrice Ashfield (703-358-2478; Patrice_Ashfield@fws.gov).

Sincerely,

Richard E. Sayers, Jr., Ph.D.
Chief, Division of Environmental Review



To: Feldt, Lisa[Feldt.Lisa@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]
From: Kopocis, Ken
Sent: Wed 12/18/2013 3:57:22 PM
Subject: RE: 316(b)

Fine with me. It is a listening session only.

I will report back.

From: Feldt, Lisa
Sent: Wednesday, December 18, 2013 10:27 AM
To: Kopocis, Ken; Garbow, Avi
Subject: Re: 316(b)

Thanks unless you feel differently, I will not plan on attending. Lisa

From: Kopocis, Ken
Sent: Wednesday, December 18, 2013 9:49:36 AM
To: Feldt, Lisa; Garbow, Avi
Subject: 316(b)

I will not be having a meeting with outside interests this afternoon.

I plan to attend the OMB 12866 meeting instead.

Ken

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]
From: Kopocis, Ken
Sent: Thur 12/12/2013 9:15:14 PM
Subject: FW: Next steps
Draft RPA.docx

FYI

From: Garbow, Avi
Sent: Thursday, December 12, 2013 3:33 PM
To: Kopocis, Ken; Feldt, Lisa; Neugeboren, Steven
Subject: FW: Next steps

See below and attached.

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Boling, Edward [<mailto:ted.boling@sol.doi.gov>]
Sent: Thursday, December 12, 2013 3:32 PM
To: Garbow, Avi
Cc: Lois J. Schiffer
Subject: Re: Next steps

Avi:

Attached, per our conversations, are the current draft RPAs for further discussion. I've heard from Gary Frazer that Rob Wood has scheduled a meeting for tomorrow at 9:30am and that FWS is flying people back from Denver in time for that meeting. Please feel free to call me to discuss. If not reachable at the numbers below, I'm always available at Non-Responsive

Best,

Ted Boling

Deputy Solicitor -- Parks & Wildlife

U.S Department of the Interior

1849 C Street NW

Washington, DC 20240

202-208-4423 (main)

202-208-3125 (direct)

202-208-5584 (fax)

Ted.Boling@sol.doi.gov

To: ann.w.loomis@dom.com[ann.w.loomis@dom.com]
From: Kopocis, Ken
Sent: Thur 12/12/2013 6:25:41 PM
Subject: Meeting with MJ Bradley and Associates

When: Wednesday, December 18, 2013 9:00 AM-9:45 AM. (UTC-05:00) Eastern Time (US & Canada)

Where: EPA 1201 Constitution Ave NW, Washington DC 20004 WJC-E 3219B Please call

Non-Responsive

Non-Responsive

~~*~*~*~*~*~*~*

-----Original Message-----

From: Ann W Loomis (Services - 6) [mailto:ann.w.loomis@dom.com]
 Sent: Thursday, December 12, 2013 9:37 AM
 To: Kopocis, Ken; Vaught, Laura
 Subject: 316(b) meeting request

Ken,

Carrie Jenks with MJ Bradley and Associates and I would like to meet with you to discuss a couple of final significant 316(b) issues. We have met with OMB and have an understanding of a few provisions that deserve further discussion. Given that Carrie will be flying in from Boston, here are a few times for your consideration:

Tuesday 17th - 4:00 pm

Wednesday 18th - 9:00 am

Thursday 19 - almost any time

Thanks,

Ann

Ann Loomis
 Dominion
 202-585-4205

ÿ

To: Vaught, Laura[Vaught.Laura@epa.gov]
From: Kopocis, Ken
Sent: Wed 12/11/2013 10:19:38 PM
Subject: RE: Connectivity Meeting

I will be at OMB during this time discussing 316(b).

-----Original Appointment-----

From: Vaught, Laura
Sent: Wednesday, December 11, 2013 11:18 AM
To: Vaught, Laura; Ganesan, Arvin; Distefano, Nichole; Fried, Hannah; Minoli, Kevin; Wendelowski, Karyn; Kopocis, Ken; Johnson, Alisha
Cc: Magruder, DeMara; Jones, Gail-R
Subject: Connectivity Meeting
When: Thursday, December 12, 2013 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN3428/OCIR

To: Wood, Robert[Wood.Robert@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]
Cc: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
From: Kopocis, Ken
Sent: Mon 12/2/2013 7:42:17 PM
Subject: 316(b)

I think I may have asked before, but do we have

Ex. 5 - Deliberative

To: Stoner, Nancy[Stoner.Nancy@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]
From: Altieri, Sonia
Sent: Fri 4/5/2013 10:37:58 AM
Subject: FW: Meeting re: CWA 316(b) Requirements for CWIS

FYI....

Betsy is meeting with Brendan on April 15th.

From: Mascarenhas, Brendan [Brendan_Mascarenhas@americanchemistry.com]
Sent: Wednesday, April 03, 2013 10:38 AM
To: Altieri, Sonia
Subject: Meeting re: CWA 316(b) Requirements for CWIS

Hi Sonia,

Thanks very much for calling me back. As ACC members have a significant interest in the proposed CWA 316(b) requirements for cooling water intake structures, we wanted to pursue a meeting with EPA staff to convey our outlook on the rule and have an informal discussion, if possible. After the last EPAOW stakeholder meeting, EPA staff indicated that the rule was in its final stages at EPA and would be heading over to OMB sometime in the next few weeks. If that's accurate, and it's worthwhile to meet with EPA staff in this short timeframe, we were wondering who the best staff contact would be to pursue a meeting with. I realize the answer to that question could be quite broad, but any input or help you could provide would be much appreciated. Thanks very much, Sonia.

Regards,

Brendan

Brendan Mascarenhas, Manager, Regulatory and Technical Affairs

brendan_mascarenhas@americanchemistry.com

American Chemistry Council | 700 -- 2nd Street NE | Washington, DC 20002

O: (202) 249-6423 | F: (202) 249-6100

<http://www.americanchemistry.com>

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To: julie.hewitt@epa.gov[julie.hewitt@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
Cc: Sellars, Roslyn[Roslyn_Sellars@fws.gov]
From: Irwin, Thomas
Sent: Wed 4/3/2013 3:32:19 PM
Subject: DECLINED: Endangered Species Act Consultation for 316(B) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm

After discussion with our director, it has been recommended that you meet with our Assistant Director for Ecological Services, Gary Frazer and Acting Assistant Director for Fish and Aquatic Conservation, Jeff Underwood.
 Thanks,
 Thomas

[more details »](#)

Endangered Species Act Consultation for 316(B) Cooling Water Intake

When: Friday, April 05, 2013 4:00 PM-4:45 PM (GMT-05:00) Eastern Time (US & Canada).
 Where: DCRoomWest5233B/DC-CCW-OST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

This meeting cancels (via Debbie Cash) the earlier meeting organized by Nancy Stoner – the only change noted is the location.

POC: Julie Hewitt – 202-566-1031

When

Fri Apr 5, 2013 4pm – 4:45pm Eastern Time

Where

DCRoomWest5233B/DC-CCW-OST ([map](#))

Calendar

d_m_ashe@fws.gov

Who

- Southerland, Elizabeth - organizer
- Dan Ashe - creator
- DCRoomWest5233B/DC-CCW-OST
- Hewitt, Julie
- Levine, MaryEllen
- Neugeboren, Steven
- Wade, Alexis
- Wood, Robert
- Born, Tom

Attachments

• lois.schiffer@noaa.gov
[2013_03_28_16_34_45.pdf](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for new event notifications on calendar d_m_ashe@fws.gov.

To stop receiving these notifications, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

--

Thomas_Irwin@fws.gov | Office of the Director – U.S. Fish & Wildlife Service

1849 C Street NW | Room 3356 | Washington, DC 20240 | (202) 208-4545

To: Stoner, Nancy[Stoner.Nancy@epa.gov]
Cc: julie.hewitt@epa.gov[julie.hewitt@epa.gov]; Sellars, Roslyn[Roslyn_Sellars@fws.gov];
 Chandler, Sabrina[Sabrina_Chandler@fws.gov]
From: Irwin, Thomas
Sent: Fri 3/29/2013 7:42:29 PM
Subject: Re: New Event: Endangered Species Act Consultation for 316(b) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm (d_m_ashe@fws.gov)

Your meeting request has been received and will discussed at our scheduling meeting next week.
 You should receive a response from Roslyn Sellars or me as to the director's availability.

Thanks,

Thomas

In future please include Roslyn (roslyn_sellars@fws.gov) on emails related to scheduling for Dan Ashe, Rowan Gould or Stephen Guertin.

On Thu, Mar 28, 2013 at 4:38 PM, Stoner, Nancy <stoner.nancy@epa.gov> wrote:

[more details »](#)

Endangered Species Act Consultation for 316(b) Cooling Water Intake

When: Friday, April 05, 2013 4:00 PM-4:45 PM (GMT-05:00) Eastern Time (US & Canada).
 Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Poc Julie Hewitt 202-566-1031

When

Fri Apr 5, 2013 4pm – 4:45pm Eastern Time

Where

3233 EPA EAST ([map](#))

Calendar

d_m_ashe@fws.gov

Who

- Stoner, Nancy - organizer
- Dan Ashe - creator
- Gilinsky, Ellen
- Hewitt, Julie
- Levine, MaryEllen
- Neugeboren, Steven
- Southerland, Elizabeth
- Wade, Alexis
- Wood, Robert
- Born, Tom

• lois.schiffer@noaa.gov

Invitation from [Google Calendar](#)

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for new event notifications on calendar d_m_ashe@fws.gov.

To stop receiving these notifications, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

--

Thomas_Irwin@fws.gov | Office of the Director – U.S. Fish & Wildlife Service

1849 C Street NW | Room 3356 | Washington, DC 20240 | (202) 208-4545

To: [redacted] Administrator B6 [redacted]@epa.gov]
From: Kopocis, Ken
Sent: Mon 10/28/2013 1:17:58 AM
Subject: RE: 316b

Administrator,

Got it.

I will take 1 minute to explain where things are when we are together at the stormwater briefing.

Ken

From: [redacted] Administrator B6
Sent: Sunday, October 27, 2013 3:55 PM
To: Kopocis, Ken; Stoner, Nancy
Cc: Deputy Administrator; Ganesan, Arvin
Subject: Re: 316b

Ken - see what the missing pieces may be. As far as I know, it was a drafting challenge not an analysis issue. The next versions we send to OMB should be the last and final to the extent we can manage it.

Gina McCarthy
Administrator

From: Kopocis, Ken

Sent: Sunday, October 27, 2013 3:22 PM

To: [redacted] Administrator B6, Gina; Stoner, Nancy

Cc: Deputy Administrator; Ganesan, Arvin

Subject: Re: 316b

Administrator,

On the items we discussed with Michael, I am still owed some additional information from some of the people I have been talking with -- a delay as a result of the shutdown. I believe I can have most, but not all, ready on Monday.

Ex. 5 - Deliberative

I will ensure that everything I have is included for Monday. The remainder should be complete this week.
Ken

From: Administrator B6
Sent: Sunday, October 27, 2013 11:16:09 AM
To: Stoner, Nancy
Cc: Deputy Administrator; Ganesan, Arvin; Kopocis, Ken
Subject: Re: 316b

Thanks. I would like to have time to take a quick look at the changes before they go off. Let's plan to send to OMB in Tues am. Thanks.

Gina McCarthy
Administrator

From: Stoner, Nancy

Sent: Sunday, October 27, 2013 10:35 AM

To: Administrator B6

Cc: Deputy Administrator; Ganesan, Arvin; Kopocis, Ken

Subject: Re: 316b

Yes, that's the current plan. OP and I received final drafts for review on Friday afternoon. I have identified a few changes to conform better to my understanding of what you are looking for, but I anticipate having the final product ready by COB on Monday and sending it to OMB and to the Services simultaneously. I will also be calling the Services on Monday afternoon to talk them through it as we discussed.

Cc: All, including Ken

From: Administrator B6
Sent: Sunday, October 27, 2013 9:49:10 AM
To: Stoner, Nancy
Cc: Deputy Administrator; Ganesan, Arvin
Subject: 316b

Nancy - thanks for pushing on getting the ESA language done. I would like to see if we can get

the 316b package ready to go as early as the end of the day Monday with all the remaining changes we need to incorporate: the ESA and the changes we walked Michael thru a while ago. If you have any questions on those let me know and we can set up a time to talk. Thanks.

Gina McCarthy
Administrator

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Thur 2/20/2014 11:43:08 PM
Subject: Fw: OW priority rule files
[OW Priority Rule Cover Memo fnl3.doc](#)
[OW Priority Rule Overview fnl3.doc](#)
[OW's OMB Priorities Discussion List 2 20 14 1PM.docx](#)

From: Barron, Alex
Sent: Thursday, February 20, 2014 6:41:05 PM
To: [Administrator B6] Deputy Administrator; Stoner, Nancy; Kopocis, Ken
Cc: Beauvais, Joel; Kime, Robin
Subject: Fw: OW priority rule files

Administrator et alia - we circulated the files for the ow reg meeting last friday. Since then, there have been some minor changes due to the completion of some action and edits from ow. Please use this version of the materials (which have also been resubmitted through the regular channels).

The three materials are:

*A template completed by OW of upcoming signature actions

*A summary and grouping of those actions assembled by OP

*A cover memo from OP that nominates a few actions which might benefit from discussion. However, we want this to be an open discussion and others are welcome to highlight other actions that they think warrant conversation.

See you tomorrow,
A

From: Balserak, Paul
Sent: Thursday, February 20, 2014 1:56:22 PM
To: Barron, Alex; Beauvais, Joel
Cc: Cristofaro, Alexander; Nickerson, William; Kime, Robin
Subject: OW priority rule files

Joel and Alex,

Attached are the new OW files on priority rules. I made the changes Ellen G requested via Alex B. I also switched the order of the Groups so that the meeting would flow better. OW sent a new full list that has a few minor tweaks to existing entries and adds dental amalgam.

Thanks,

Paul

Paul Balserak, Deputy Director

Policy and Regulatory Analysis Division

Office of Policy

202-566-0072

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Mon 1/13/2014 4:02:33 PM
Subject: Fw: 316b

Pls put on Ken and my calendars, thx

From: Feldt, Lisa
Sent: Monday, January 13, 2014 10:53:43 AM
To: Garbow, Avi; Kopocis, Ken; Stoner, Nancy; Wood, Robert; Southerland, Elizabeth; Neugeboren, Steven; Witt, Richard; Wade, Alexis; Levine, MaryEllen; Richardson, Elena
Subject: RE: 316b

Lets' just use your office then for both. Elena can you revise invite to Avi's office so there is no confusion.

Lisa Feldt

Associate Deputy Administrator

Office of the Administrator

Environmental Protection Agency

office: 202-564-4711

From: Garbow, Avi
Sent: Monday, January 13, 2014 9:37 AM
To: Feldt, Lisa; Kopocis, Ken; Stoner, Nancy; Wood, Robert; Southerland, Elizabeth; Neugeboren, Steven; Witt, Richard; Wade, Alexis; Levine, MaryEllen
Subject: 316b

Folks,

We set a pre-brief meeting/call for us to go over the Services' most recent proposal (emailed last night) at 2PM to 2:45. The Services would like to have an opportunity to get on the phone with us today, as well, to explain their proposal and answer any question. My suggestion is that we reserve 2-2:20ish for a meeting/call to include the Services, and then we can continue ourselves until Lisa, Ken and I head out to OMB.

Ted Boling will circulate a call-in number for 2PM, and Lisa Feldt already got on our calendar the EPA-only call-in information that we can use once we conclude with the Services around 2:20.

Folks are welcome to gather in my office for the calls, if that is convenient. Thanks,

Avi

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

To: Lois Schiffer[lois.schiffer@noaa.gov]
From: Stoner, Nancy
Sent: Tue 12/3/2013 4:45:20 PM
Subject: Re: 316(b)

Lois,
40 CFR 125.90(b) requires BPJ determinations for permit writers in the absence of a national 316(b) rule.
Hope this is helpful.
Nancy

From: Stoner, Nancy
Sent: Tuesday, December 03, 2013 10:12:14 AM
To: Lois Schiffer
Subject: Re: 316(b)

Will do

From: Lois Schiffer - NOAA Federal <lois.schiffer@noaa.gov>
Sent: Tuesday, December 03, 2013 10:10:36 AM
To: Stoner, Nancy
Subject: Re: 316(b)

try 202-482-4627

On Tue, Dec 3, 2013 at 8:28 AM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

Sorry I didn't get back to you yesterday. I'm in all day SES mtg but will try to call you on a break. What is best # to use?

--

Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

To: Lois Schiffer[lois.schiffer@noaa.gov]
From: Stoner, Nancy
Sent: Tue 12/3/2013 3:12:14 PM
Subject: Re: 316(b)

Will do

From: Lois Schiffer - NOAA Federal <lois.schiffer@noaa.gov>
Sent: Tuesday, December 03, 2013 10:10:36 AM
To: Stoner, Nancy
Subject: Re: 316(b)

try 202-482-4627

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--

Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

To: Lois Schiffer[lois.schiffer@noaa.gov]
From: Stoner, Nancy
Sent: Tue 12/3/2013 1:28:08 PM
Subject: 316(b)

Sorry I didn't get back to you yesterday. I'm in all day SES mtg but will try to call you on a break. What is best # to use? ÿ

To: Helen Golde - NOAA Federal[helen.golde@noaa.gov]
Cc: Samuel Rauch - NOAA Federal[samuel.rauch@noaa.gov]; Mary Beth Ward - NOAA Federal[mary.beth.ward@noaa.gov]
From: Stoner, Nancy
Sent: Wed 10/2/2013 12:05:50 PM
Subject: RE: 316(b) consultation

Helen,

Work on the 316(b) rule is not considered excepted because of the terms of the settlement agreement, which allow us to seek an extension because of the gov't shutdown. We will get the revised language to you and to OMB promptly after the gov't reopens.

Nancy

From: Helen Golde - NOAA Federal [mailto:helen.golde@noaa.gov]
Sent: Tuesday, October 01, 2013 11:59 AM
To: Stoner, Nancy
Cc: Samuel Rauch - NOAA Federal; Mary Beth Ward - NOAA Federal
Subject: 316(b) consultation

Hi Nancy:

As you are aware, on June 18, 2013, NOAA Fisheries initiated formal consultation with EPA on its CWIS rule; the Services and EPA agreed on August 29, 2013, as the due date for final rule revisions. This final rule will serve as the basis for the "Description of the Action" for our Biological Opinion. Based on this schedule, the Services agreed to provide a draft biological opinion to EPA on October 15, 2013 and a final opinion to EPA on October 31, 2013, which would have allowed EPA to meet its November 4 deadline to file the final rule with the Federal Register.

Based on our conversations with EPA staff, EPA intends to provide another revised rule with ESA edits, once those edits are approved by their administrators. Until then, we cannot write the majority of the Biological Opinion, including the description of the action and the effects analysis. However, as of the end of the workday September 30, 2013, EPA has not provided us the final revised rule incorporating our suggestions to help EPA fulfill its obligations under Sec. 7 of the ESA. Thus our biologists were not able to continue work on the consultation prior to being furloughed this morning.

It is our assumption that you will be seeking an extension with OMB to finalize this language

and with DOJ to seek an extension of your rule due date of November 4. If this is not the case or that is unsuccessful, please contact Sam Rauch, NOAA Fisheries Deputy Assistant Administrator for Regulatory Programs (office: 301-427-8020; cell 301-938-6431; copied on this email), and he will initiate the process to recall Jennifer Schultz the consultation biologist. However, as noted above, NMFS will need the final rule language before recalling her.

Thank you,

Helen

--

Helen M. Golde
Deputy Director
NOAA Fisheries
U.S. Department of Commerce
Office: 301-427-8400
Mobile: 240-429-0344
helen.golde@noaa.gov
www.nmfs.noaa.gov/pr/

To: Wood, Robert[Wood.Robert@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
From: Stoner, Nancy
Sent: Fri 8/16/2013 6:02:41 PM
Subject: 316(b)

KEG has a 12866 mtg scheduled for early Sept w/OMB. Want to be sure you knowŷ

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Fri 6/21/2013 6:09:39 AM
Subject: Re: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

This same group would like to meet on July 2 from 2-3:30. Please set it up for a conf call as well as in-person mtg in 3233. I will be out, but Ken and Ellen will cover. Thx

From: Penman, Crystal
Sent: Thursday, June 20, 2013 11:45:08 AM
To: Stoner, Nancy
Subject: RE: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

You have this.

From: Stoner, Nancy
Sent: Thursday, June 20, 2013 11:42 AM
To: Penman, Crystal
Subject: FW: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]

For 2 pm – note the difficulties with the invitation

From: Wood, Robert
Sent: Thursday, June 20, 2013 11:23 AM
To: Donna.Wieting@noaa.gov; gary_frazer@fws.gov; paul_souza@fws.gov; helen.golde@noaa.gov; lois.schiffer@noaa.gov; michael_bean@ios.doi.gov
Cc: Jennifer.Schultz@noaa.gov; Ron.Dean@noaa.gov; Pamela.Lawrence@noaa.gov; Drew_Crane@fws.gov; Patrice_Ashfield@fws.gov; Rick_Sayers@fws.gov; Stoner, Nancy; Hewitt, Julie; Kopocis, Ken; Gilinsky, Ellen; Sawyers, Andrew; Southerland, Elizabeth; Mallory, Brenda; Neugeboren, Steven; Levine, MaryEllen; Wade, Alexis; Witt, Richard; Penman, Crystal; Zipf, Lynn
Subject: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in 1- [Non-Responsive]

Colleagues at the Services:

There was apparently a problem with the meeting invitation for today's 2PM management check-in and some of you on the invitation did not receive it or did not receive the call-in information. The call-in number and pass code are above. In addition, a suggested agenda is below and attached. I hope some of you can make it. I do not anticipate it will take the whole hour. Thanks

- Confirm Services' receipt of EPA letter requesting formal consultation, biological evaluation, and draft final rule and preamble
- Clarify timing of Services' written response to EPA request, including time frames.
- Confirm schedule (requested) for final rule signature: November 4, 2013
- Confirm plan for bi-weekly meetings starting: 6/25
- Discuss next steps in identifying and agreeing on Reasonable and Prudent Alternatives early in the consultation process.
- Other?

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Thur 6/20/2013 3:45:48 PM
Subject: RE: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in **Non-Responsive**

thx

From: Penman, Crystal
Sent: Thursday, June 20, 2013 11:45 AM
To: Stoner, Nancy
Subject: RE: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in **Non-Responsive**

I called every office to make sure they were aware of the meeting today.

From: Stoner, Nancy
Sent: Thursday, June 20, 2013 11:42 AM
To: Penman, Crystal
Subject: FW: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in **Non-Responsive**

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Cc: Jennifer.Schultz@noaa.gov; Ron.Dean@noaa.gov; Pamela.Lawrence@noaa.gov; Drew_Crane@fws.gov; Patrice_Ashfield@fws.gov; Rick_Sayers@fws.gov; Stoner, Nancy; Hewitt, Julie; Kopocis, Ken; Gilinsky, Ellen; Sawyers, Andrew; Southerland, Elizabeth; Mallory, Brenda; Neugeboren, Steven; Levine, MaryEllen; Wade, Alexis; Witt, Richard; Penman, Crystal; Zipf, Lynn
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- Other?

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Thur 6/20/2013 3:41:41 PM
Subject: FW: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in [Non-Responsive]
[ESA Consultation Senior Management Check-in 062013 Agenda.docx](#)

For 2 pm – note the difficulties with the invitation

From: Wood, Robert
Sent: Thursday, June 20, 2013 11:23 AM
To: Donna.Wieting@noaa.gov; gary_frazer@fws.gov; paul_souza@fws.gov; helen.golde@noaa.gov; lois.schiffer@noaa.gov; michael_bean@ios.doi.gov
Cc: Jennifer.Schultz@noaa.gov; Ron.Dean@noaa.gov; Pamela.Lawrence@noaa.gov; Drew_Crane@fws.gov; Patrice_Ashfield@fws.gov; Rick_Sayers@fws.gov; Stoner, Nancy; Hewitt, Julie; Kopocis, Ken; Gilinsky, Ellen; Sawyers, Andrew; Southerland, Elizabeth; Mallory, Brenda; Neugeboren, Steven; Levine, MaryEllen; Wade, Alexis; Witt, Richard; Penman, Crystal; Zipf, Lynn
Subject: 316(b) ESA Consultation Senior Management Check in Call at 2 PM Today, Thursday June 20 - Call in 1- [Non-Responsive]

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- Discuss next steps in identifying and agreeing on Reasonable and Prudent Alternatives early in the consultation process.
- Other?

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

Senior Management Check-in
Cooling Water Intake Structures Final Rule
ESA Consultation
June 20, 2013, 2:00 PM

Call in **Non-Responsive**

- Confirm Services' receipt of EPA letter requesting formal consultation, biological evaluation, and draft final rule and preamble
- Clarify timing of Services' written response to EPA request, including time frames.
- Confirm schedule (requested) for final rule signature: November 4, 2013
- Confirm plan for bi-weekly meetings starting: 6/25
- Discuss next steps in identifying and agreeing on Reasonable and Prudent Alternatives early in the consultation process.
- Other?

To: Lois Schiffer[lois.schiffer@noaa.gov]
Cc: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Wed 6/19/2013 9:36:32 PM
Subject: Are you participating in the meeting tomorrow on 316(b)?

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To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Mon 6/17/2013 7:51:13 PM
Subject: FW: 316B Call in 1-866-299-3188 passcode [Non-Responsive]

From: Bean, Michael [mailto:michael_bean@ios.doi.gov]
Sent: Monday, June 17, 2013 3:28 PM
To: Stoner, Nancy
Cc: Mallory, Brenda
Subject: Re: 316B Call in 1-866-299-3188 [Non-Responsive]

nancy: At 11am on Wednesday I am moderating a panel at an all-day DOI workshop on mitigation, and so am unable to join the call. My Thursday schedule is pretty open. Michael Bean

On Mon, Jun 17, 2013 at 3:09 PM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

When: Wednesday, June 19, 2013 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Per Nancy's request

--

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

To: Lois Schiffer[lois.schiffer@noaa.gov]; Pamela Lawrence - NOAA Federal[pamela.lawrence@noaa.gov]
Bcc: Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]
From: Stoner, Nancy
Sent: Tue 5/28/2013 11:33:47 PM
Subject: Re: Nancy and Pam - I had a call from Betsy Sutherland saying that Perciaseppe wants to call

Yes. My understanding is that the meeting last week did not result in any agreement on a schedule for beginning or completing formal consultation. That's what Bob P is seeking. Feel free to call to discuss

Ex. 6 - Personal Privacy

From: Lois Schiffer - NOAA Federal
Sent: Tuesday, May 28, 2013 6:29:01 PM
To: Stoner, Nancy; Pamela Lawrence - NOAA Federal
Subject: Nancy and Pam - I had a call from Betsy Sutherland saying that Perciaseppe wants to call

the NOAA Administrator about cooling water. Pam, I read your most recent email, but cannot figure out why Bob is calling. Nancy, do you iknow?

Pam, I've alerted Renee Stone, who has let Kathy Sullivan know, but a short summary of where we are would be helpful. Pam I'll forward your most recent email to Renee so she has something, but an update would be useful. thanks.

--

Lois Schiffer
General Counsel
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Phone: 202-482-4080
Cell: 202-573-1583
Email: Lois.Schiffer@noaa.gov

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Fri 5/10/2013 11:52:12 AM
Subject: Fw: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive

Pls let me know what you find. Thx

From: Gina Jackson - NOAA Federal
Sent: Friday, May 10, 2013 7:38:45 AM
To: Stoner, Nancy
Cc: Cash, Debbie; Penman, Crystal
Subject: Re: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive

Reminder: I'm waiting on a new date/time for this meeting. Thanks.

On Tue, May 7, 2013 at 10:53 AM, Gina Jackson - NOAA Federal <gina.jackson@noaa.gov> wrote:

Good morning Nancy,
 Lois's 1:00pm-3:00pm slot is no longer on May 15th. Below is her revised availability for next week:

Tuesday, May 14th: 1:30pm or 4:00pm
 Wednesday, May 15th: 9:00am
 Thursday, May 16th: between 10:00am-12:00pm
 Friday, May 17th: between 2:00pm-4:00pm

Thanks, Gina

On Mon, May 6, 2013 at 12:46 PM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

We will work with those times. thanks

From: Gina Jackson - NOAA Federal [mailto:gina.jackson@noaa.gov]
Sent: Monday, May 06, 2013 8:22 AM
To: Stoner, Nancy
Cc: Lois Schiffer - NOAA Federal
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive

Good morning Nancy,

Lois Schiffer is not available on May 15th at 10:00am-10:45;
however, she can do 9:00am, 1:00pm or 2:00pm on the same day.
Please let me know if any of those times will work.

Thanks, Gina

Gina Jackson
Office Manager
NOAA Office of the General Counsel

U.S. Department of Commerce
202-482-4080 (Office)

202-482-4893 (Fax)

----- Forwarded message -----

From: **Lois Schiffer - NOAA Federal** <lois.schiffer@noaa.gov>

Date: Fri, May 3, 2013 at 4:33 PM

Subject: Fwd: Endangered Species Act Consultation for 316(b) _
cooling Water Intake Call in 1-866-299-3188 passcode

Non-Responsive

To: Gina Jackson <Gina.Jackson@noaa.gov>

----- Forwarded message -----

From: **Stoner, Nancy** <Stoner.Nancy@epa.gov>

Date: Fri, May 3, 2013 at 12:12 PM

Subject: Endangered Species Act Consultation for 316(b) _
cooling Water Intake Call in 1-866-299-3188 passcode

Non-Responsive

To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah"

<Nagle.Deborah@epa.gov>, "Zobrist, Marcus"
 <Zobrist.Marcus@epa.gov>, "Witt, Richard"
 <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>,
 "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi"
 <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov"
 <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov"
 <gary_frazer@fws.gov>, "rick_sayers@fws.gov"
 <rick_sayers@fws.gov>, "drew_crane@fws.org"
 <drew_crane@fws.org>, "patrice_ashfield@fws.org"
 <patrice_ashfield@fws.org>, "paul_souza@fws.org"
 <paul_souza@fws.org>, "jennifer.schultz@noaa.gov"
 <jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov"
 <pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov"
 <helen.golde@noaa.gov>

When: Wednesday, May 15, 2013 10:00 AM-10:45 AM (GMT-05:00)
 Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

--
Lois Schiffer

General Counsel

National Oceanic & Atmospheric Administration

U.S. Department of Commerce

Phone: 202-482-4080

Cell: 202-573-1583

Email: Lois.Schiffer@noaa.gov

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Wed 5/8/2013 11:35:03 AM
Subject: Fw: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive
[2013_05_03_12_11_26.pdf](#)
[invite.ics](#)

Not sure who scheduled, but if not you, pls pass along, thx

From: Ron Dean - NOAA Federal
Sent: Tuesday, May 07, 2013 11:04:41 AM
To: Stoner, Nancy
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive

Hi:

Please add me to this invite list for any future updates, I am the Team Leader on the CWA Consultation Team for NMFS on this Action and work with Jenny Schultz and Pam Lawrence.

Thank you,

-Ron

----- Forwarded message -----

From: **Jennifer Schultz - NOAA Federal** <jennifer.schultz@noaa.gov>
Date: Tue, May 7, 2013 at 10:58 AM
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive
To: Ron Dean - NOAA Federal <ron.dean@noaa.gov>

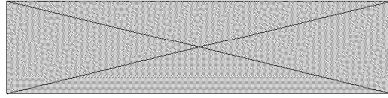
Hi Ron,

I don't know why she keeps sending these out...it doesn't look like the date or time is changing.

Jenny

Jennifer Schultz, Ph.D.
 Endangered Species Act Interagency Cooperation Division
 Office of Protected Resources
 NOAA Fisheries
 U.S. Department of Commerce
301-427-8443

jennifer.schultz@noaa.gov
www.nmfs.noaa.gov



----- Forwarded message -----

From: **Stoner, Nancy** <Stoncr.Nancy@epa.gov>

Date: Tue, May 7, 2013 at 10:57 AM

Subject: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: **Non-Responsive**

To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi" <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov" <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov" <gary_frazer@fws.gov>, "rick_sayers@fws.gov" <rick_sayers@fws.gov>, "drew_crane@fws.org" <drew_crane@fws.org>, "patrice_ashfield@fws.org" <patrice_ashfield@fws.org>, "paul_souza@fws.org" <paul_souza@fws.org>, "jennifer.schultz@noaa.gov" <jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov" <pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov" <helen.golde@noaa.gov>

Cc: "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>, "Piziali, Jamie" <Piziali.Jamie@epa.gov>, "Penman, Crystal" <Penman.Crystal@epa.gov>, "Clark, Donetta" <Clark.Donetta@epa.gov>, "Skane, Elizabeth" <Skane.Elizabeth@epa.gov>

When: Wednesday, May 15, 2013 9:00 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

--

Ron Dean
Office of Protected Resources
NOAA National Marine Fisheries Service

1315 East-West Highway Rm. 13755
Silver Spring, MD 20910
301.427.8445

To: Ron Dean - NOAA Federal[ron.dean@noaa.gov]
From: Stoner, Nancy
Sent: Wed 5/8/2013 11:34:17 AM
Subject: Re: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive

Will do

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Sent: Tuesday, May 07, 2013 11:04:41 AM
To: Stoner, Nancy
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: Non-Responsive

Hi:

Please add me to this invite list for any future updates, I am the Team Leader on the CWA Consultation Team for NMFS on this Action and work with Jenny Schultz and Pam Lawrence.

Thank you,

-Ron

----- Forwarded message -----

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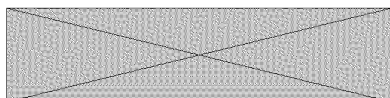
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Jenny

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Office of Protected Resources
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jennifer.schultz@noaa.gov
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From: **Stoner, Nancy** <Stoner.Nancy@epa.gov>

Date: Tue, May 7, 2013 at 10:57 AM

Subject: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-866-299-3188 passcode: **Non-Responsive**

To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi" <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov" <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov" <gary_frazer@fws.gov>, "rick_sayers@fws.gov" <rick_sayers@fws.gov>, "drew_crane@fws.org" <drew_crane@fws.org>, "patrice_ashfield@fws.org" <patrice_ashfield@fws.org>, "paul_souza@fws.org" <paul_souza@fws.org>, "jennifer.schultz@noaa.gov" <jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov" <pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov" <helen.golde@noaa.gov>

Cc: "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>, "Piziali, Jamie" <Piziali.Jamie@epa.gov>, "Penman, Crystal" <Penman.Crystal@epa.gov>, "Clark, Donetta" <Clark.Donetta@epa.gov>, "Skane, Elizabeth" <Skane.Elizabeth@epa.gov>

When: Wednesday, May 15, 2013 9:00 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).

Where: 3233 EPA EAST

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Ron Dean
Office of Protected Resources
NOAA National Marine Fisheries Service
1315 East-West Highway Rm. 13755
Silver Spring, MD 20910
301.427.8445

To: Gina Jackson - NOAA Federal[gina.jackson@noaa.gov]
Cc: Lois Schiffer - NOAA Federal[lois.schiffer@noaa.gov]; Cash, Debbie[Cash.Debbie@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Mon 5/6/2013 4:46:17 PM
Subject: RE: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

We will work with those times. thanks

From: Gina Jackson - NOAA Federal [mailto:gina.jackson@noaa.gov]
Sent: Monday, May 06, 2013 8:22 AM
To: Stoner, Nancy
Cc: Lois Schiffer - NOAA Federal
Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

Good morning Nancy,

Lois Schiffer is not available on May 15th at 10:00am-10:45; however, she can do 9:00am, 1:00pm or 2:00pm on the same day. Please let me know if any of those times will work.

Thanks, Gina

Gina Jackson
Office Manager
NOAA Office of the General Counsel

U.S. Department of Commerce
202-482-4080 (Office)

202-482-4893 (Fax)

----- Forwarded message -----

From: Lois Schiffer - NOAA Federal <lois.schiffer@noaa.gov>

Date: Fri, May 3, 2013 at 4:33 PM

Subject: Fwd: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in 1-

Non-Responsive

To: Gina Jackson <Gina.Jackson@noaa.gov>

----- Forwarded message -----

From: **Stoner, Nancy** <Stoner.Nancy@epa.gov>

Date: Fri, May 3, 2013 at 12:12 PM

Subject: Endangered Species Act Consultation for 316(b) _ cooling Water Intake Call in

Non-Responsive

Non-Responsive

To: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Nagle, Deborah" <Nagle.Deborah@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "pizarro, luis" <pizarro.luis@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>, "Saxena, Juhi" <Saxena.Juhi@epa.gov>, "lois.schiffer@noaa.gov" <lois.schiffer@noaa.gov>, "gary_frazer@fws.gov" <gary_frazer@fws.gov>, "rick_sayers@fws.gov" <rick_sayers@fws.gov>, "drew_crane@fws.org" <drew_crane@fws.org>, "patrice_ashfield@fws.org" <patrice_ashfield@fws.org>, "paul_souza@fws.org" <paul_souza@fws.org>, "jennifer.schultz@noaa.gov" <jennifer.schultz@noaa.gov>, "pamela.lawrence@noaa.gov" <pamela.lawrence@noaa.gov>, "helen.golde@noaa.gov" <helen.golde@noaa.gov>

When: Wednesday, May 15, 2013 10:00 AM-10:45 AM (GMT-05:00) Eastern Time (US & Canada).

Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Lois Schiffer

General Counsel

National Oceanic & Atmospheric Administration

U.S. Department of Commerce

Phone: 202-482-4080

Cell: 202-573-1583

Email: Lois.Schiffer@noaa.gov

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
From: Stoner, Nancy
Sent: Fri 4/19/2013 10:07:21 PM
Subject: Re: Meeting with Bob p [Ex. 5 - Deliberative]

If there are materials for Bob P briefing, pls send them. Thx

From: Southerland, Elizabeth
Sent: Friday, April 19, 2013 6:04:49 PM
To: Stoner, Nancy
Subject: RE: Meeting with Bob p [Ex. 5 - Deliberative]

The briefing for Bob P is Tuesday morning. Bob Sussman will try to set up [Ex. 5 - Deliberative] meeting for Friday but that hasn't been scheduled yet.

Elizabeth Southerland, Director

Office of Science & Technology

Office Water

Room 5233A - MC - 4301T

Washington, D. C. 20460

Direct: (202) 566-0328

Fax: (202) 566-0441

From: Stoner, Nancy
Sent: Friday, April 19, 2013 5:50 PM
To: Southerland, Elizabeth
Subject: Re: Meeting with Bob p [Ex. 5 - Deliberative]

So we will be trying to schedule a pre-brief for [Ex. 5 - Deliberative]
 and [Ex. 5 - Deliberative] briefing -- all for next week or early the following week, right?

From: Southerland, Elizabeth
Sent: Friday, April 19, 2013 5:42:01 PM
To: Sussman, Bob; Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Wood, Robert; Hewitt, Julie
Cc: Goo, Michael; Scozzafava, MichaelE; Maddox, Donald
Subject: Re: Meeting with Bob p [Ex. 5 - Deliberative]

OK, try to get Friday April 26, but I hope it slips to Monday April 29. Nancy has also been emailing me asking to have the [Ex. 5 - Deliberative] briefing next week. We will focus on developing the [Ex. 5 - Deliberative] briefing next week in time for everyone to review before Friday.

From: Sussman, Bob
Sent: Friday, April 19, 2013 5:36:41 PM
To: Southerland, Elizabeth; Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE; Maddox, Donald
Subject: RE: Meeting with Bob p [Ex. 5 - Deliberative]

Ex. 5 - Deliberative

I will ask Don to shoot for next Friday. If we're lucky, we may slide through until the beginning of the following week.

I hate to impose more burdens on OST but we'll want a pre-brief to review the presentation. I think we'll have a big [Ex. 5 - Deliberative] crowd and want to be prepared.

Robert M. Sussman

Senior Policy Counsel to Administrator

Office of the Administrator

U.S. Environmental Protection Agency

Washington DC

(202)-564-7397

From: Southerland, Elizabeth
Sent: Friday, April 19, 2013 1:06 PM
To: Sussman, Bob; Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE
Subject: RE: Meeting with Bob p [Ex. 5 - Deliberative]

Ex. 5 - Deliberative

Elizabeth Southerland, Director

Office of Science & Technology

Office Water

Room 5233A - MC - 4301T

Washington, D. C. 20460

Direct: (202) 566-0328

Fax: (202) 566-0441

From: Sussman, Bob
Sent: Friday, April 19, 2013 12:03 PM
To: Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE
Subject: RE: Meeting with Bob p [Ex. 5 - Deliberative]

Ex. 5 - Deliberative

I'm thinking that we should shoot for end of next week. We can set the wheels in motion unless OW feels we need more ttime. Let us know.

Robert M. Sussman

Senior Policy Counsel to Administrator

Office of the Administrator

U.S. Environmental Protection Agency

Washington DC

(202)-564-7397

From: Stoner, Nancy
Sent: Friday, April 19, 2013 10:14 AM
To: Sussman, Bob; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE
Subject: Re: Meeting with Bob p [Ex. 5 - Deliberative]

We also need to talk w/him about ESA consultation. I will be in the office starting Tues for the rest of the week if we can wait that long

From: Sussman, Bob
Sent: Friday, April 19, 2013 10:07:05 AM
To: Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE
Subject: Meeting with Bob p [Ex. 5 - Deliberative]

We're canceling and rescheduling the meeting with Bob p today [Ex. 5 - Deliberative] for the 316b rulemaking. The hope is to have the meeting on Monday.

There seems to be some confusion about the purpose of the meeting (at least based on the materials I've seen) so let me try to clarify what we're trying to accomplish.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

I assume briefing materials will be prepared on these issues.

I'd like career staff at this meeting so that detailed questions from Bob or others can be answered.

Robert M. Sussman

Senior Policy Counsel to Administrator

Office of the Administrator

U.S. Environmental Protection Agency

Washington DC

(202)-564-7397

To: Sussman, Bob[Sussman.Bob@epa.gov]
From: Stoner, Nancy
Sent: Fri 4/19/2013 5:10:14 PM
Subject: Fw: Meeting with Bob p [Ex. 5 - Deliberative]

Wait to hear back on this from me -- thx

From: Southerland, Elizabeth
Sent: Friday, April 19, 2013 1:06:26 PM
To: Sussman, Bob; Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE
Subject: RE: Meeting with Bob [Ex. 5 - Deliberative]

Ex. 5 - Deliberative

Elizabeth Southerland, Director

Office of Science & Technology

Office Water

Room 5233A - MC - 4301T

Washington, D. C. 20460

Direct: (202) 566-0328

Fax: (202) 566-0441

From: Sussman, Bob
Sent: Friday, April 19, 2013 12:03 PM
To: Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert
Cc: Goo, Michael; Scozzafava, MichaelE
Subject: RE: Meeting with Bob p [Ex. 6 - Deliberative]

[Ex. 5 - Deliberative] I'm thinking that we should shoot for end of next week. We can set the wheels in motion unless OW feels we need more ttime. Let us know.

Robert M. Sussman

Senior Policy Counsel to Administrator

Office of the Administrator

U.S. Environmental Protection Agency

Washington DC

(202)-564-7397

From: Stoner, Nancy

Sent: Friday, April 19, 2013 10:14 AM

To: Sussman, Bob; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert

Cc: Goo, Michael; Scozzafava, MichaelE

Subject: Re: Meeting with Bob p [Ex. 5 - Deliberative]

We also need to talk w/him about ESA consultation. I will be in the office starting Tues for the rest of the week if we can wait that long

From: Sussman, Bob

Sent: Friday, April 19, 2013 10:07:05 AM

To: Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert

Cc: Goo, Michael; Scozzafava, MichaelE

Subject: Meeting with Bob p [Ex. 5 - Deliberative]

We're canceling and rescheduling the meeting with Bob p today on [Ex. 5 - Deliberative] for the 316b rulemaking. The hope is to have the meeting on Monday.

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Ex. 5 - Deliberative

Ex. 5 - Deliberative

I assume briefing materials will be prepared on these issues.

I'd like career staff at this meeting so that detailed questions from Bob or others can be answered.

Robert M. Sussman

Senior Policy Counsel to Administrator

Office of the Administrator

U.S. Environmental Protection Agency

Washington DC

(202)-564-7397

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]
From: Stoner, Nancy
Sent: Mon 4/1/2013 9:50:37 PM
Subject: Fw: Fwd: New Event: Endangered Species Act Consultation for 316(b) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm
[invite.ics](#)

From: Irwin, Thomas
Sent: Monday, April 01, 2013 2:57:32 PM
To: Underwood, Jeff; Frazer, Gary D
Cc: Norit Bercovicz; Lois Wellman; Sellars, Roslyn; Stoner, Nancy; Hewitt, Julie
Subject: Fwd: New Event: Endangered Species Act Consultation for 316(b) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm

After discussion with our director, it has been recommended that your meeting request be forwarded to our Assistant Director for Ecological Services, Gary Frazer and Acting Assistant Director for Fisheries and Habitat Restoration, Jeff Underwood. Their administrative assistants have been cc:d on this email, to confirm availability.

Thanks,
Thomas

----- Forwarded message -----

From: **Stoner, Nancy** <stoner.nancy@epa.gov>
Date: Thu, Mar 28, 2013 at 4:38 PM
Subject: New Event: Endangered Species Act Consultation for 316(b) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm (d_m_ashe@fws.gov)
To: "thomas_irwin@fws.gov" <thomas_irwin@fws.gov>

[more details »](#)

Endangered Species Act Consultation for 316(b) Cooling Water Intake

When: Friday, April 05, 2013 4:00 PM-4:45 PM (GMT-05:00) Eastern Time (US & Canada).
Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Poc Julie Hewitt 202-566-1031

When

Fri Apr 5, 2013 4pm – 4:45pm Eastern Time

Where

3233 EPA EAST ([map](#))

Calendar

d_m_ashe@fws.gov

| | | |
|---|---|---|
| Who | <ul style="list-style-type: none">••••••••••• | Stoner, Nancy - organizer Dan Ashe - creator Gilinsky, Ellen Hewitt, Julie Levine, MaryEllen Neugeboren, Steven Southerland, Elizabeth Wade, Alexis Wood, Robert Born, Tom lois.schiffer@noaa.gov |
| <p>Invitation from Google Calendar</p> <p>You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for new event notifications on calendar d_m_ashe@fws.gov.</p> <p>To stop receiving these notifications, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.</p> | | |

--

Thomas_Irwin@fws.gov | Office of the Director – U.S. Fish & Wildlife Service

1849 C Street NW | Room 3356 | Washington, DC 20240 | (202) 208-4545

To: Penman, Crystal[Penman.Crystal@epa.gov]
From: Stoner, Nancy
Sent: Fri 3/29/2013 10:42:38 PM
Subject: Fw: New Event: Endangered Species Act Consultation for 316(b) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm (d_m_ashe@fws.gov)

From: Irwin, Thomas
Sent: Friday, March 29, 2013 3:42:29 PM
To: Stoner, Nancy
Cc: julie.hewitt@epa.gov; Sellars, Roslyn; Chandler, Sabrina
Subject: Re: New Event: Endangered Species Act Consultation for 316(b) Cooling Wa... @ Fri Apr 5, 2013 4pm - 4:45pm (d_m_ashe@fws.gov)

Your meeting request has been received and will discussed at our scheduling meeting next week.
 You should receive a response from Roslyn Sellars or me as to the director's availability.

Thanks,
 Thomas

In future please include Roslyn (roslyn_sellars@fws.gov) on emails related to scheduling for Dan Ashe, Rowan Gould or Stephen Guertin.

On Thu, Mar 28, 2013 at 4:38 PM, Stoner, Nancy <stoner.nancy@epa.gov> wrote:

[more details »](#)

Endangered Species Act Consultation for 316(b) Cooling Water Intake

When: Friday, April 05, 2013 4:00 PM-4:45 PM (GMT-05:00) Eastern Time (US & Canada).
 Where: 3233 EPA EAST

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Poc Julie Hewitt 202-566-1031

When

Fri Apr 5, 2013 4pm – 4:45pm Eastern Time

Where

3233 EPA EAST ([map](#))

Calendar

d_m_ashe@fws.gov

Who

- Stoner, Nancy - organizer
- Dan Ashe - creator
- Gilinsky, Ellen
- Hewitt, Julie
- Levine, MaryEllen
- Neugeboren, Steven

-
-
-
-
-

Southerland, Elizabeth
Wade, Alexis
Wood, Robert
Born, Tom
lois.schiffer@noaa.gov

Invitation from [Google Calendar](#)

You are receiving this email at the account thomas_irwin@fws.gov because you are subscribed for new event notifications on calendar d_m_ashe@fws.gov.

To stop receiving these notifications, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

--

Thomas_Irwin@fws.gov | Office of the Director – U.S. Fish & Wildlife Service

1849 C Street NW | Room 3356 | Washington, DC 20240 | ((202) 208-4545

Industry Stakeholder Coffee

Wednesday, March 20, 2013

9:00 - 10:00 a.m.

Room 3233 EPA East, 1201 Constitution Avenue, N.W.

Call-in Number: **Non-Responsive** conference code: **Non-Responsive**

AGENDA

PENDING ACTIONS

1. Effluent Guidelines Steam Electric (OMB)
2. Proposal to revise water quality standards regulation (OMB)
3. National Primary Drinking Water Regulation: Group Regulation of Carcinogenic Volatile Compounds (Internal)
4. Regulatory Determination 3 (Internal)
5. Lead and Copper Rule (Internal)
6. Arsenic Report to Congress (OMB)
7. Update: National Stormwater Rulemaking (Internal)
8. Vessel General Permit Ballast Rule (Internal)
9. Multi Sector General Permit (Internal)
10. Concentrated Animal Feeding Operations Regulations Revision Rule (Internal)
11. Electronic Reporting Rule (Internal)

OGWDW

12. Update: Perchlorate
13. Status: Guidance on implementation of the Lead Reduction Act

OST

14. Update: 316(b)
15. Secondary Treatment Technology (OST & OWM)

16.Update: Aquatic life advisory value for conductivity

17.Update: Selenium criteria

OWM

18.Update: WaterSense

OWOW

19.Update: Waters of the U.S.

20.Update: EPA's Connectivity Study

21.Update: Bristol Bay Draft Watershed Assessment

22.Status of Chesapeake Bay TMDL offset programs

OTHER

23. Update: Importance of Water

To: Lee Garrigan[lgarrigan@ecos.org]
From: Stoner, Nancy
Sent: Wed 3/6/2013 12:12:38 AM
Subject: Answer to Q re compliance date for cooling water intake rules

Lee,

The ECOS rep from RI asked you about this. Please share this info. There is no final answer yet since the final rule has not yet been cleared by OMB, but here is what we proposed:

Compliance dates at proposal were:

- Impingement: as soon as possible, but no later than 8 years from effective date of rule
- Entrainment: up to permit director, with no limit set by the rule
- New units at existing facilities: when they begin operation

Hope this is helpful,

Nancy

From: Lee Garrigan [mailto:lgarrigan@ecos.org]
Sent: Tuesday, March 05, 2013 12:07 PM
To: Stoner, Nancy
Cc: Penman, Crystal
Subject: Runnin' late RE: Corrected time to call in Re: ECOS Water Committee - Nancy S. call-in number

We are running behind
Call in at 12:30 please

On Mar 5, 2013 9:43 AM, "Stoner, Nancy" <Stoner.Nancy@epa.gov> wrote:

OK. Will be ready to go at 12:15

From: Lee Garrigan [mailto:lgarrigan@ecos.org]
Sent: Tuesday, March 05, 2013 9:41 AM
To: Stoner, Nancy
Cc: Penman, Crystal
Subject: Corrected time to call in Re: ECOS Water Committee - Nancy S. call-in number

Nancy - the correct time for you to call in is 12:15...please double check time zone map!

Lee

On Mon, Mar 4, 2013 at 5:31 PM, Stoner, Nancy <Stoner.Nancy@epa.gov> wrote:

We are good. It is 1:15 here (I was adjusting the wrong direction). Will talk a little about priorities, sequester/budget, rulemakings, and take questions on other issues. Sorry I'm not there.

From: Lee Garrigan [mailto:lgarrigan@ecos.org]
Sent: Monday, March 04, 2013 7:13 PM
To: Stoner, Nancy
Subject: ECOS Water Committee - Nancy S. call-in number

Call in no. In email below

----- Forwarded message -----

From: "Lee Garrigan" <lgarrigan@ecos.org>
Date: Mar 4, 2013 6:11 PM
Subject: Fwd: Re: ECOS Water Committee - Nancy S. call-in number
To: "Crystal Penman" <Penman.Crystal@epamail.epa.gov>
Cc:

See below

----- Forwarded message -----

From: "Stoner, Nancy" <Stoner.Nancy@epa.gov>
Date: Mar 1, 2013 12:33 PM
Subject: Re: ECOS Water Committee - Nancy S. call-in number
To: "Lee Garrigan" <lgarrigan@ecos.org>, "Colleen Cripps" <cripps@ndep.nv.gov>, "Paylor,

David (DEQ)" <David.Paylor@deq.virginia.gov>

Cc:

I appreciate the ability to participate by phone. Wish I could join you in person.

From: Lee Garrigan

Sent: Friday, March 01, 2013 12:28:40 PM

To: Stoner, Nancy; Colleen Cripps; Paylor, David (DEQ)

Subject: ECOS Water Committee - Nancy S. call-in number

Colleen, David, Nancy –

Due to budget sequestration, Nancy Stoner will now deliver remarks by phone at the ECOS Water Committee meeting on Tuesday morning, March 5th.

Nancy - here is the call-in information:

Non-Responsive

I have attached an updated agenda.

--Lee

To: Nancy Stoner/DC/USEPA/US@EPA[]
Cc: LisaP Jackson/DC/USEPA/US@EPA; [REDACTED]
From: "Kuhn, Thomas"
Sent: Wed 8/17/2011 5:48:54 PM
Subject: EEI Comments on EPA Proposed Rule on Cooling Water Intake Structures
[image001.gif](#)
[EEI316bCmts081711.pdf](#)
tkuhn@eei.org

Ex. 6 - Personal Privacy

Administrator Stoner: The Edison Electric Institute (EEI) appreciates the opportunity to provide the attached comments to the Environmental Protection Agency (EPA) on the proposed rule addressing Cooling Water Intake Structures at Existing and Phase I Facilities (Docket No. EPA-HQ-OW-2008-0667). EEI's member companies are strongly committed to protecting water quality and the environment as an integral component of generating electricity.

EEI, working with our CEOs and industry allies, engaged in a thorough analysis of the proposed rule with the goal of providing constructive, consensus-based comments that would assist the agency in promulgating a final rule that is fair and flexible, and that imposes requirement whose costs are commensurate with their benefits. We urge EPA to address the technical issues raised in our comments regarding entrainment and impingement compliance requirements, as well as monitoring and timing issues aimed at holding down costs to consumers and avoiding potential, localized reliability impacts.

EEI's member company CEOs and I look forward to discussing our comments with you and others in the Administration.

Thomas R. Kuhn

President

Edison Electric Institute

701 Pennsylvania Avenue NW

Washington, DC 20004-2696

202-508-5555; FAX: 202-508-5786

tkuhn@eei.org

To: CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Mahri Monson/OU=DC/O=USEPA/C=US
Sent: Mon 4/23/2012 3:23:27 PM
Subject: Re: can you give jim laity a call on 316b

Just adding Greg to the chain, as I believe he was tasked in the meeting with checking in with Betsy to see whether she or Greg would call Laity to find out the purpose of the meeting.

Mahri

Mahri Monson
 Special Assistant, Office of Water
 (202) 564-2657
 cell (202) 603-7235

Mailing Address:
 1200 Pennsylvania Avenue, NW, MC: 4101M, WDC 20460-0001

Visitors/FedEx/UPS/Courier Address:
 1201 Constitution Ave., NW, Rm. 3311P East Bldg., WDC 20004-3302

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Help eliminate environmental violations - report tips and complaints at:

<http://www.epa.gov/compliance/complaints/index.html>

From: Ellen Gilinsky/DC/USEPA/US
 To: Elizabeth Southerland/DC/USEPA/US@EPA
 Cc: Ken Kopocis/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Mahri Monson/DC/USEPA/US@EPA
 Date: 04/23/2012 11:14 AM
 Subject: can you give jim laity a call on 316b

Betsy

Ex. 5 - Deliberative

Thanks and to those copied on the email please correct me if I got the wrong intent of having Betsy call over there.

Ellen

To: CN=Mahri Monson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Gregory Peck/OU=DC/O=USEPA/C=US
Sent: Mon 4/23/2012 3:25:38 PM
Subject: Re: can you give jim laity a call on 316b

Thanks Mahri - I'll give Betsy a call.

Gregory E. Peck
 Chief of Staff
 Office of Water
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, N.W.
 Washington, D.C. 20460

202-564-5778

From: Mahri Monson/DC/USEPA/US
To: Ellen Gilinsky/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA
Cc: Elizabeth Southerland/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA
Date: 04/23/2012 11:23 AM
Subject: Re: can you give jim laity a call on 316b

Just adding Greg to the chain, as I believe he was tasked in the meeting with checking in with Betsy to see whether she or Greg would call Laity to find out the purpose of the meeting.

Mahri

Mahri Monson
 Special Assistant, Office of Water
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From: Ellen Gilinsky/DC/USEPA/US
To: Elizabeth Southerland/DC/USEPA/US@EPA
Cc: Ken Kopocis/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Mahri Monson/DC/USEPA/US@EPA
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Subject: can you give jim laity a call on 316b

Betsy

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Thanks and to those copied on the email please correct me if I got the wrong intent of having Betsy call over there.

Ellen

To: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Avi Garbow/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA[]; N=Avi Garbow/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA[]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA[]; N=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA[]

Cc: []

From: CN=Michael E. Scozzafava/OU=DC/O=USEPA/C=US

Sent: Thur 5/31/2012 6:11:24 PM

Subject: Fw: OIRA Concluding review of Cooling Water Intake Structures NODAs

These should be officially cleared later this afternoon. My understanding is that OW will moving quickly to sign them.

Please let me know if you need anything from me.

Mike

Michael E. Scozzafava
Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency

Office: (202) 566-1376

Mobile: (202) 407-2555

----- Forwarded by Michael E. Scozzafava/DC/USEPA/US on 05/31/2012 02:09 PM -----

From: Julie Hewitt/DC/USEPA/US
To: Paul Shriner/DC/USEPA/US@EPA, Erik Helm/DC/USEPA/US@EPA, Lisa Biddle/DC/USEPA/US@EPA, Tom Born/DC/USEPA/US@EPA, Wendy Hoffman/DC/USEPA/US@EPA, Marla Smith/DC/USEPA/US@EPA, Richard Witt/DC/USEPA/US@EPA, MaryEllen Levine/DC/USEPA/US@EPA, Paul Balserak/DC/USEPA/US@EPA, Steve Newbold/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA
Cc: Lynn Zipf/DC/USEPA/US@EPA, Elizabeth Skane/DC/USEPA/US@EPA, Sandy Evalenko/DC/USEPA/US@EPA, Michael E. Scozzafava/DC/USEPA/US@EPA
Date: 05/31/2012 01:53 PM
Subject: Fw: OIRA Concluding review of Cooling Water Intake Structures NODAs

Phew.

----- Forwarded by Julie Hewitt/DC/USEPA/US on 05/31/2012 01:51 PM -----

From: [Ex. 6 - Personal Privacy]
To: Robert Wood/DC/USEPA/US@EPA
Cc: Julie Hewitt/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Non-Responsive

Nicole Owens/DC/USEPA/US@EPA

Caryn Muellerleile/DC/USEPA/US@EPA,

Date: 05/31/2012 01:46 PM

Subject: OIRA Concluding review of Cooling Water Intake Structures NODAs

Rob: We are concluding review of the NODA's related to the CWA 316(b) Cooling Water Intake Structure Rule with a finding of consistent with change. Thanks to you and your staff for working with us to address interagency comments.

Jim Laity

OIRA Desk Officer for USEPA Office of Water

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US;"Avi Garbow" [Garbow.Avi@epamail.epa.gov];
 Avi Garbow" [Garbow.Avi@epamail.epa.gov]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US
Sent: Thur 5/31/2012 6:19:16 PM
Subject: Fw: OIRA Concluding review of Cooling Water Intake Structures NODAs

Avi time for us to contact riverkeeper on final date now that NODA coming out

----- Original Message -----

From: Robert Wood
Sent: 05/31/2012 01:56 PM EDT
To: Ken Kopocis; Ellen Gilinsky; Steven Neugeboren; MaryEllen Levine; Richard Witt; Jeff Lape; Travis Loop; Cara Lalley; Paul Shriner; Paul Balserak; Alex Barron; Lesley Schaaff; Erik Helm; Lisa Biddle; Wendy Hoffman; Tom Born; Julie Hewitt
Cc: Elizabeth Southerland; Nancy Stoner
Subject: Fw: OIRA Concluding review of Cooling Water Intake Structures NODAs

All,

OMB cleared the NODAs just now. Thanks for everyone's good work and patience to get us to this point. We are working on the signature package for Nancy and plan to have it in OW by tomorrow.

Rob

Robert Wood, Acting Director
 Engineering and Analysis Division
 Office of Water
 U.S. EPA
 1200 Pennsylvania Ave, NW (4303T)
 Washington, DC 20460

EPA West Room 6233B
 202-566-1822
 202-329-8053 (C)
<http://www.epa.gov/waterscience>

----- Forwarded by Robert Wood/DC/USEPA/US on 05/31/2012 01:49 PM -----

From: "Ex. 6 - Personal Privacy" >
To: Robert Wood/DC/USEPA/US@EPA
Cc: Julie Hewitt/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA,

Non-Responsive Personal Privacy

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Subject: OIRA Concluding review of Cooling Water Intake Structures NODAs

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Cc: "Avi Garbow" [Garbow.Avi@epamail.epa.gov]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 5/31/2012 6:36:55 PM
Subject: Re: Fw: OIRA Concluding review of Cooling Water Intake Structures NODAs

Can we have a discussion soon on this?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Ellen Gilinsky/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US, "Avi Garbow" <Garbow.Avi@epamail.epa.gov>, Ken Kopocis/DC/USEPA/US@EPA
Date: 05/31/2012 02:19 PM
Subject: Fw: OIRA Concluding review of Cooling Water Intake Structures NODAs

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To: Robert Wood/DC/USEPA/US@EPA

Cc: Julie Hewitt/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, Nancy

Stoner/DC/USEPA/US@EPA,

Ex. 6 - Personal Privacy

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Caryn Muellerleile/DC/USEPA/US@EPA,

Nicole Owens/DC/USEPA/US@EPA

Date: 05/31/2012 01:46 PM

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Gilinsky/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 10/4/2011 12:43:37 PM
Subject: 316b letter
[316b.docx](#)

Nancy/Ellen -- OCIR has put together the attached letter on 316(b) Ex. 5 - Deliberative let Arvin know if you have any concerns.

There's also a meeting this afternoon with the CEQ CEOs and one of you should attend.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US
Sent: Tue 10/4/2011 1:16:22 PM
Subject: Re: 316b letter

Ok

----- Original Message -----

From: Nancy Stoner
Sent: 10/04/2011 08:57 AM EDT
To: Ellen Gilinsky
Subject: Fw: 316b letter
I'll let you handle. Thx
Nancy K. Stoner

----- Original Message -----

From: Bob Sussman
Sent: 10/04/2011 08:43 AM EDT
To: Nancy Stoner; Ellen Gilinsky
Cc: Arvin Ganesan
Subject: 316b letter
Nancy/Ellen -- OCIR has put together the attached letter on 316(b) **Ex. 5 - Deliberative** let Arvin know if you have any concerns.

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

[attachment "316b.docx" deleted by Ellen Gilinsky/DC/USEPA/US]

To: CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Tue 10/4/2011 1:20:04 PM
Subject: Re: 316b letter

We would like this letter to go out today, if possible and the latest thinking is that this goes from under Nancy's signature. Can ow review and comment on this letter by 1 pm or so?

Can you let me know if this is problematic?

Thanks.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Ellen Gilinsky
 Sent: 10/04/2011 09:17 AM EDT
 To: Nancy Stoner; Bob Sussman
 Cc: Arvin Ganesan
 Subject: Re: 316b letter
 Oops I am in raleigh giving talk can ephraim go

----- Original Message -----

From: Nancy Stoner
 Sent: 10/04/2011 08:57 AM EDT
 To: Bob Sussman; Ellen Gilinsky
 Cc: Arvin Ganesan
 Subject: Re: 316b letter
 Not me -- I'll be testifying
 Nancy K. Stoner

----- Original Message -----

From: Bob Sussman
 Sent: 10/04/2011 08:43 AM EDT
 To: Nancy Stoner; Ellen Gilinsky
 Cc: Arvin Ganesan
 Subject: 316b letter
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 Office of the Administrator
 US Environmental Protection Agency

[attachment "316b.docx" deleted by Nancy Stoner/DC/USEPA/US]

To: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Ellen
Gilinsky/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 10/4/2011 2:28:22 PM
Subject: Re: 316b letter

GOOD LUCK!!!

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Nancy Stoner/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Ellen Gilinsky/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
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Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

[attachment "316b.docx" deleted by Nancy Stoner/DC/USEPA/US]

To: "Arvin Ganesan" [Ganesan.Arvin@epamail.epa.gov]; Bob Sussman" [Sussman.Bob@epamail.epa.gov]; Nancy Stoner" [Stoner.Nancy@epamail.epa.gov]
From: CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US
Sent: Fri 10/21/2011 1:31:28 PM
Subject: Cooling water rule
<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>
 Amy Harder
 Description: http://cdn-media.nationaljournal.com/?controllerName=image&action=get&id=1776&format=homepage_fullwidth
 Oct. 12 letter
 a letter

Ex. 5 - Deliberative

EPA Considers Major Change to Power Plant Water Rule

By Amy Harder<<http://www.nationaljournal.com/reporters/bio/31>>

Updated: October 21, 2011 | 12:01 a.m.
 October 20, 2011 | 9:38 p.m.

Description: http://cdn-media.nationaljournal.com/?controllerName=image&action=get&id=1776&format=homepage_fullwidth<<http://cdn-media.nationaljournal.com/?controllerName=image&action=get&id=1776>>

iStockphoto.com

The Obama administration is considering a major change to one of its pending rules affecting the power sector that would anger environmentalists but mollify lawmakers and the electric utility industry.

The Environmental Protection Agency is considering changing part of a Clean Water Act rule regulating industrial structures known as cooling-water intake systems that are used at power plants and factories.

Facing lawsuits from environmental groups, EPA is rolling out rules, expected to be finalized in July 2012, because the way they operate now kill 2.1 billion fish, crabs and shrimp a year by crushing them against screens and sucking them into equipment. The rules will affect more than 1,200 industrial operations: 670 power plants and 590 factories, according to EPA.

A top agency official told Rep. Robert Andrews, D-N.J., in an Oct. 12 letter that the agency is considering changing part of the rule that addresses fish that are killed on the screen of the cooling-water intake system from a single numeric performance standard to a technology-based compliance approach. This change, if formally adopted by the agency when it finalizes the rules next year, would put this part of the rule in line with another part that addresses smaller organisms that get sucked into the system and can't get out. It would also be more flexible, according to industry experts. Environmentalists would fear it would make the rules too lax.

"While the agency must conclude its official internal decision making process, one attractive option to respond to the concerns raised by you and others, is an alternative technology-based compliance approach that would provide sufficient flexibility to take into account several factors affecting impingement mortality," Nancy Stoner, EPA acting assistant administrator for Water, said in the Oct. 12 letter<http://assets.nationaljournal.com/pdf/111020_EPAAndrews.pdf>, obtained by National Journal,

responding to a letter<http://assets.nationaljournal.com/pdf/111020_AndrewsLetter.pdf> Andrews sent to EPA Administrator Lisa Jackson on Aug. 3, also obtained by National Journal.

"EPA proposed to set strict numeric national standards for aquatic mortality and intake water velocity that are unrealistic and likely to be unachievable in many cases," Andrews wrote in the letter.

Andrews, in a statement to National Journal Thursday evening, applauded EPA's response to his concerns.

"Protecting our marine life is a vital concern, but being able to effectively cool our nuclear towers without unnecessarily burdening taxpayers and businesses needs to be a priority," Andrews said. "I am encouraged by the administration's commitment to examine other cost-effective approaches to reactor cooling that protects taxpayers while allowing businesses to more efficiently apply their budgets toward expanding and growing jobs."

EPA did not have an immediate comment Thursday evening.

Experts close to the issue say the letter represents a potential major change in policy that is aimed at allaying concerns within industry that EPA was trying to force a "one-size-fits-all" rule throughout the different types of power plants and factories.

"This letter sends a signal to the entire industry that they're not going to try to force one approach everywhere," said an industry lobbyist. "They're going to be much more sensible about it, relying on a technology-based approach." The source declined to be identified since the change in policy is not final.

Environmental groups including the Natural Resources Defense Council and Riverkeeper that have sued EPA to take action on these regulations will likely be unhappy with the change, as they were unsatisfied with the draft rules proposed in March.

From: Betsaida Alcantara
Sent: 10/21/2011 09:06 AM EDT
To: Travis Loop; Alisha Johnson
Subject: Fw: Is the below accurate

See below! Need you guys to track this down asap

From: "Stevens, Clark" [Ex. 6 - Personal Privacy]
Sent: 10/21/2011 08:50 AM AST
To: Betsaida Alcantara; Brendan Gilfillan; Seth Oster
Subject: Is the below accurate

Or did she get this wrong?

<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule->

20111020

EPA Considers Major Change to Power Plant Water Rule

By Amy Harder

Updated: October 21, 2011 | 12:01 a.m.
October 20, 2011 | 9:38 p.m.

Description: http://cdn-media.nationaljournal.com/?controllerName=image&action=get&id=1776&format=homepage_fullwidth

iStockphoto.com

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"While the agency must conclude its official internal decision making process, one attractive option to respond to the concerns raised by you and others, is an alternative technology-based compliance approach that would provide sufficient flexibility to take into account several factors affecting impingement mortality," Nancy Stoner, EPA acting assistant administrator for Water, said in the Oct. 12 letter, obtained by National Journal, responding to a letter Andrews sent to EPA Administrator Lisa Jackson on Aug. 3, also obtained by National Journal.

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Environmental groups including the Natural Resources Defense Council and Riverkeeper that have sued EPA to take action on these regulations will likely be unhappy with the change, as they were unsatisfied with the draft rules proposed in March.

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

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 Amy Harder
 Description: http://cdn-media.nationaljournal.com/?controllerName=image&action=get&id=1776&format=homepage_fullwidth
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Yes. Any of us can talk to you about this

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<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>

EPA Considers Major Change to Power Plant Water Rule

By Amy Harder

Updated: October 21, 2011 | 12:01 a.m.
 October 20, 2011 | 9:38 p.m.

Description: http://cdn-media.nationaljournal.com/?controllerName=image&action=get&id=1776&format=homepage_fullwidth
 iStockphoto.com

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To: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US
Sent: Fri 10/21/2011 1:52:03 PM
Subject: Re: Cooling water rule
<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>
[Amy Harder](#)
[Hotspot](#)
[Oct. 12 letter](#)
[a letter](#)

Yes, it would be nice for the epa press team to know before it's printed on a major national news outlet!

Disappointment aside, please call.

Betsaida Alcantara
 Press Secretary
 US Environmental Protection Agency
 202-564-1692
alcantara.betsaida@epa.gov

From: Arvin Ganesan/DC/USEPA/US
 To: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA
 Date: 10/21/2011 09:33 AM
 Subject: Re: Cooling water rule

Yes. Any of us can talk to you about this

Sent from my Blackberry Wireless Device

From: Betsaida Alcantara
 Sent: 10/21/2011 09:31 AM EDT
 To: Arvin Ganesan; Bob Sussman; Nancy Stoner
 Subject: Cooling water rule

Ex. 5 - Deliberative

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By Amy Harder<<http://www.nationaljournal.com/reporters/bio/31>>

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From: Betsaida Alcantara
 Sent: 10/21/2011 09:06 AM EDT
 To: Travis Loop; Alisha Johnson
 Subject: Fw: Is the below accurate

See below! Need you guys to track this down asap

From: "Stevens, Clark" [Ex. 6 - Personal Privacy]
 Sent: 10/21/2011 08:50 AM AST
 To: Betsaida Alcantara; Brendan Gilfillan; Seth Oster
 Subject: Is the below accurate

Or did she get this wrong?

<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>

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Cc: []

From: CN=Travis Loop/OU=DC/O=USEPA/C=US

Sent: Fri 10/21/2011 1:57:10 PM

Subject: Fw: Is the below accurate
<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>
 Amy Harder
 Hotspot
 Oct. 12 letter
 a letter

What's the story with this? Refers to a letter from Nancy on going with tech-based standard in cooling intake rule. Is this accurate?

Travis Loop
 Communications Director
 Office of Water
 U.S. Environmental Protection Agency
 office: 202-564-0183
 cell: 202-870-6922
 ----- Forwarded by Travis Loop/DC/USEPA/US on 10/21/2011 09:55 AM -----

From: Betsaida Alcantara/DC/USEPA/US
 To: "Travis Loop" <Loop.Travis@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>
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 Senn/OU=DC/O=USEPA/C=US@EPA;CN=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Alisha
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 Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Bob
 Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 10/21/2011 10:52 AM
Subject: Re: Fw: Is the below accurate

Sure, I know about it. It is a congressional that I worked on with Arvin and Bob S as well as OST.
 Please let me know if there is followup that you'd like.

copying Bob and Arvin

Nancy Stoner
 Acting Assistant Administrator for Water
 US Environmental Protection Agency

Telephone: (202) 564-5700

FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219B East Bldg., Washington, DC 20004-3302
Washington, DC 20004-3302

From: Travis Loop/DC/USEPA/US

To: Nancy Stoner/DC/USEPA/US@EPA, Ephraim King/DC/USEPA/US@EPA, Maryt Smith/DC/USEPA/US@EPA, Ellen Gilinsky/DC/USEPA/US@EPA, John Senn/DC/USEPA/US@EPA

Date: 10/21/2011 09:57 AM

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image001.jpg

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This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you

should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

To: CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Travis Loop/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Ephraim King/OU=DC/O=USEPA/C=US@EPA;CN=John Senn/OU=DC/O=USEPA/C=US@EPA;CN=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Alisha Johnson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Ephraim King/OU=DC/O=USEPA/C=US@EPA;CN=John Senn/OU=DC/O=USEPA/C=US@EPA;CN=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Alisha Johnson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=John Senn/OU=DC/O=USEPA/C=US@EPA;CN=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Alisha Johnson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Alisha Johnson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Alisha Johnson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 10/21/2011 3:58:11 PM
Subject: Re: Fw: Is the below accurate
<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>
Amy Harder
Hotspot
Oct. 12 letter
a letter

This received full review by everyone up to administrator and signals a positive direction on this rule to utilities who have been pressing us to move toward their position.

----- Original Message -----

From: Betsaida Alcantara
Sent: 10/21/2011 10:53 AM EDT
To: Nancy Stoner
Cc: Travis Loop; Ellen Gilinsky; Ephraim King; John Senn; Maryt Smith; Alisha Johnson; Bob Sussman; Arvin Ganesan
Subject: Re: Fw: Is the below accurate
 Thanks, Travis and Nancy. I spoke to ARvin and got the download.

From: Nancy Stoner/DC/USEPA/US
To: Travis Loop/DC/USEPA/US@EPA
Cc: Ellen Gilinsky/DC/USEPA/US@EPA, Ephraim King/DC/USEPA/US@EPA, John Senn/DC/USEPA/US@EPA, Maryt Smith/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 10/21/2011 10:52 AM
Subject: Re: Fw: Is the below accurate

Sure, I know about it. It is a congressional that I worked on with Arvin and Bob S as well as OST. Please let me know if there is followup that you'd like.

copying Bob and Arvin

Nancy Stoner
Acting Assistant Administrator for Water
US Environmental Protection Agency

Telephone: (202) 564-5700
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219B East Bldg., Washington, DC
20004-3302
Washington, DC 20004-3302

From: Travis Loop/DC/USEPA/US
To: Nancy Stoner/DC/USEPA/US@EPA, Ephraim King/DC/USEPA/US@EPA, Maryt
Smith/DC/USEPA/US@EPA, Ellen Gilinsky/DC/USEPA/US@EPA, John Senn/DC/USEPA/US@EPA
Date: 10/21/2011 09:57 AM
Subject: Fw: Is the below accurate

What's the story with this? Refers to a letter from Nancy on going with tech-based standard in cooling
intake rule. Is this accurate?

Travis Loop
Communications Director
Office of Water
U.S. Environmental Protection Agency
office: 202-564-0183
cell: 202-870-6922

----- Forwarded by Travis Loop/DC/USEPA/US on 10/21/2011 09:55 AM -----

From: Betsaida Alcantara/DC/USEPA/US
To: "Travis Loop" <Loop.Travis@epamail.epa.gov>, "Alisha Johnson"
<Johnson.Alisha@epamail.epa.gov>
Date: 10/21/2011 09:06 AM
Subject: Fw: Is the below accurate

See below! Need you guys to track this down asap

From: "Stevens, Clark" Ex. 6 - Personal Privacy
Sent: 10/21/2011 08:50 AM AST
To: Betsaida Alcantara; Brendan Gilfillan; Seth Oster
Subject: Is the below accurate

Or did she get this wrong?

<http://www.nationaljournal.com/member/energy/epa-considers-major-change-to-power-plant-water-rule-20111020>

EPA Considers Major Change to Power Plant Water Rule

By Amy Harder

Updated: October 21, 2011 | 12:01 a.m.

October 20, 2011 | 9:38 p.m.

iStockphoto.com

The Obama administration is considering a major change to one of its pending rules affecting the power sector that would anger environmentalists but mollify lawmakers and the electric utility industry.

The Environmental Protection Agency is considering changing part of a Clean Water Act rule regulating industrial structures known as cooling-water intake systems that are used at power plants and factories. Facing lawsuits from environmental groups, EPA is rolling out rules, expected to be finalized in July 2012, because the way they operate now kill 2.1 billion fish, crabs and shrimp a year by crushing them against screens and sucking them into equipment. The rules will affect more than 1,200 industrial operations: 670 power plants and 590 factories, according to EPA.

A top agency official told Rep. Robert Andrews, D-N.J., in an Oct. 12 letter that the agency is considering changing part of the rule that addresses fish that are killed on the screen of the cooling-water intake system from a single numeric performance standard to a technology-based compliance approach. This change, if formally adopted by the agency when it finalizes the rules next year, would put this part of the rule in line with another part that addresses smaller organisms that get sucked into the system and can't get out. It would also be more flexible, according to industry experts. Environmentalists would fear it would make the rules too lax.

"While the agency must conclude its official internal decision making process, one attractive option to respond to the concerns raised by you and others, is an alternative technology-based compliance approach that would provide sufficient flexibility to take into account several factors affecting impingement mortality," Nancy Stoner, EPA acting assistant administrator for Water, said in the Oct. 12 letter, obtained by National Journal, responding to a letter Andrews sent to EPA Administrator Lisa Jackson on Aug. 3, also obtained by National Journal.

"EPA proposed to set strict numeric national standards for aquatic mortality and intake water velocity that are unrealistic and likely to be unachievable in many cases," Andrews wrote in the letter.

Andrews, in a statement to National Journal Thursday evening, applauded EPA's response to his concerns.

"Protecting our marine life is a vital concern, but being able to effectively cool our nuclear towers without unnecessarily burdening taxpayers and businesses needs to be a priority," Andrews said. "I am encouraged by the administration's commitment to examine other cost-effective approaches to reactor cooling that protects taxpayers while allowing businesses to more efficiently apply their budgets toward expanding and growing jobs."

EPA did not have an immediate comment Thursday evening.

Experts close to the issue say the letter represents a potential major change in policy that is aimed at allaying concerns within industry that EPA was trying to force a "one-size-fits-all" rule throughout the different types of power plants and factories.

"This letter sends a signal to the entire industry that they're not going to try to force one approach everywhere," said an industry lobbyist. "They're going to be much more sensible about it, relying on a technology-based approach." The source declined to be identified since the change in policy is not final. Environmental groups including the Natural Resources Defense Council and Riverkeeper that have sued EPA to take action on these regulations will likely be unhappy with the change, as they were unsatisfied with the draft rules proposed in March.

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named

image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers,

network, and data. The attachment has been deleted.

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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

To: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Jeff Lape/OU=DC/O=USEPA/C=US@EPA;CN=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Ephraim King/OU=DC/O=USEPA/C=US@EPA[]; N=Maryt Smith/OU=DC/O=USEPA/C=US@EPA;CN=Ephraim King/OU=DC/O=USEPA/C=US@EPA[]; N=Ephraim King/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Robert Wood/OU=DC/O=USEPA/C=US
Sent: Thur 12/15/2011 2:16:03 AM
Subject: Re: FERC, EPA, and DOE

Ex. 5 - Deliberative

Robert Wood, Deputy Director
Engineering and Analysis Division
Office of Science and Technology
Office of Water
U.S. EPA
202-566-1822
202-329-8053 (C)

EPA West, Room 6233A

From: Nancy Stoner/DC/USEPA/US
To: Robert Wood/DC/USEPA/US@EPA
Date: 12/14/2011 08:42 PM
Subject: Re: FERC, EPA, and DOE

Oh, yeah. Thanks for reminding me. Where are we on negotiations re changing that date?
Nancy K. Stoner

----- Original Message -----

From: Robert Wood
Sent: 12/14/2011 08:17 PM EST
To: Nancy Stoner
Cc: "Jeff Lape" <lape.jeff@epa.gov>; Ephraim King; Maryt Smith
Subject: Re: FERC, EPA, and DOE

Yes, I'll follow up and let you know result. Remember we also have Steam Electric Power ELG on track for July NPRM.

Robert Wood, Deputy Director
Engineering and Analysis Division
Office of Science and Technology
Office Water
U.S. EPA

202-566-1822 (w)
202-329-8053 (c)

----- Original Message -----

From: Nancy Stoner
Sent: 12/14/2011 07:37 PM EST
To: Robert Wood
Subject: Fw: FERC, EPA, and DOE

I think for us that is 316b. Not sure who is on point at EPA on this. Can you follow up?
Nancy K. Stoner

----- Original Message -----

From: "Azar, Lauren" [Lauren.Azar@Hq.Doe.Gov]
Sent: 12/14/2011 01:19 PM EST
To: Julia Miller; Joe Bryson; Cynthia Giles-AA; Lawrence Starfield; Lisa Lund; David Hindin; Nancy Stoner; aastanislaus; Joseph Goffman; Gina McCarthy; Maryt Smith; Paul Shriner; Mark Eads; "joseph.mcclelland@ferc.gov" <joseph.mcclelland@ferc.gov>; "michael.bardee@ferc.gov" <michael.bardee@ferc.gov>; "james.pederson@ferc.gov" <james.pederson@ferc.gov>; "john.carlson@ferc.gov" <john.carlson@ferc.gov>; "martin.kirkwood@ferc.gov" <martin.kirkwood@ferc.gov>; "christy.walsh@ferc.gov" <christy.walsh@ferc.gov>; "jaime.simler@ferc.gov" <jaime.simler@ferc.gov>; Phillip Brooks; Peter Tsirigotis
Cc: "Smith, Becca" <Becca.Smith@hq.doe.gov>; "Mansueti, Lawrence" <Lawrence.Mansueti@hq.doe.gov>; "Callaghan, Caitlin (CONTR)" <Caitlin.Callaghan@Hq.Doe.Gov>; "Stone, Renee" <Renee.Stone@Hq.Doe.Gov>; "Bindewald, Gilbert" <Gilbert.Bindewald@hq.doe.gov>; "DeCesaro, Jennifer" <Jennifer.Decesaro@hq.doe.gov>; "Richards, John" <John.Richards@Hq.Doe.Gov>; "Hoffman, Patricia" <Pat.Hoffman@hq.doe.gov>
Subject: FERC, EPA, and DOE

Dear EPA and FERC Colleagues:

As a follow-up to the FERC technical conference, I thought it would be helpful if FERC, DOE and EPA would meet to discuss our respective roles and responsibilities as the EPA rules begin to affect the electric generation industry. The rules are expected to come out on or before the 16th, so I would recommend a meeting next week. Given the importance of this topic, I am willing to clear my calendar for a time that captures as much of this group possible. I propose we consider meeting at DOE next Tuesday, December 20th at 3:00pm (with a call in line).

Please identify a lead contact for your office and have him/her contact Becca Smith at Becca.smith@ee.doe.gov (or 202-586-9788) to RSVP or propose alternative times for your representatives. If there are critical contacts not included on this email, please include them as well. Becca will send a calendar invite for the time that works best by COB tomorrow.

P.S. While we should ultimately include NERC in our discussions, we can invite them after the federal agencies have had an opportunity to discuss this topic among themselves.

Thank you,

Lauren Azar
Senior Advisor to the Secretary

U.S. Department of Energy

To: CN=Sandy Evalenko/OU=DC/O=USEPA/C=US@EPA;CN=Tomeka Nelson/OU=DC/O=USEPA/C=US@EPA[]; N=Tomeka Nelson/OU=DC/O=USEPA/C=US@EPA[]

Cc: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]

From: CN=Bruce Schillo/OU=DC/O=USEPA/C=US

Sent: Wed 5/16/2012 1:53:41 PM

Subject: OW's Upcoming EG, OS, FARs for next three weeks for 5/21 Senior Staff Discussion List

Below is the list of OW's EG, OS, and FARs over the next 3 weeks as of next Monday that will be included on the Administrator's Senior Staff Discussion List.

Remember to include "OP ADP Calendar" as an Optional or FYI invitee to all Early Guidance and Option Selection meetings your AAs' chairs, as well as any FAR invitations that are sent.

If a meeting request has been sent to AO for a Tier 1 action, please forward it to me so that the

Ex. 5 - Deliberative

Bruce Schillo | Policy & Regulatory Analysis Division | Office of Policy | EPA
1200 Pennsylvania Avenue, NW | Mail Code 1803, AR-3512-a | Washington, DC 20460
202-564-6552 | 202-564-7322 (fax) | schillo.bruce@epa.gov

To: CN=Sandy Evalenko/OU=DC/O=USEPA/C=US@EPA;CN=Tomeka Nelson/OU=DC/O=USEPA/C=US@EPA[]; N=Tomeka Nelson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA;CN=Robin Kime/OU=DC/O=USEPA/C=US@EPA;CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Lesley Schaaff/OU=DC/O=USEPA/C=US@EPA;CN=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Nicole Owens/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bruce Schillo/OU=DC/O=USEPA/C=US
Sent: Wed 5/23/2012 2:41:46 PM
Subject: OW's Upcoming EG, OS, FARs for next three weeks for 5/29 Senior Staff Discussion List and DA Tri-Weekly Regulatory Update Meeting also on 5/31

Below is the list of OW's EG, OS, and FARs over the next 3 weeks as of next Monday that will be included on the Administrator's Senior Staff Discussion List as well as the agenda for the DA Tri-Weekly Regulatory Update Meeting with Bob Perciasepe and Bob Sussman also on Thursday, 5/31.

OP will be prepared to discuss the meetings in the list below with confirmed dates. However, for actions listed as "projected - not yet scheduled", the OW representative at the Tri-weekly meeting may be called

upon to provide updates. If the projected dates for any of these meetings need to be revised, please do so before COB Tuesday, 5/29, and notify me that a change has been made.

Remember to include "OP ADP Calendar" as an Optional or FYI invitee to all Early Guidance and Option Selection meetings your AAship chairs, as well as any FAR invitations that are sent.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Bruce Schillo | Policy & Regulatory Analysis Division | Office of Policy | EPA
1200 Pennsylvania Avenue, NW | Mail Code 1803, AR-3512-a | Washington, DC 20460
202-564-6552 | 202-564-7322 (fax) | schillo.bruce@epa.gov

To: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA[]
Cc: Sandy Evalenko/DC/USEPA/US@EPA;Macara Lousberg/DC/USEPA/US@EPA[]; acara Lousberg/DC/USEPA/US@EPA[]
From: CN=Elizabeth Skane/OU=DC/O=USEPA/C=US
Sent: Thur 1/19/2012 7:13:18 PM
Subject: FYI - Fw: APPROVED for OMB - Criteria and Standards for Cooling Water Intake Structures (5210)
[EO12866_CoolingWaterIntakes 2040-AE95 NPRM FRN 20120117_CLEAN.docx \(embedded image\)](#)

----- Forwarded by Elizabeth Skane/DC/USEPA/US on 01/19/2012 02:12 PM -----

From: Caryn Muellerleile/DC/USEPA/US
To: Alexander Cristofaro/DC/USEPA/US@EPA, Nicole Owens/DC/USEPA/US, Paul Balserak/DC/USEPA/US@EPA, Eileen Pritchard/DC/USEPA/US, Bruce Schillo/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US, Nathaniel Jutras/DC/USEPA/US@EPA, Mariana Cubeddu/DC/USEPA/US
Cc: Robert Wood/DC/USEPA/US@EPA, Sandy Evalenko/DC/USEPA/US, Elizabeth Skane/DC/USEPA/US@EPA, Agnes Ortiz/DC/USEPA/US@EPA, Lynn Zipf/DC/USEPA/US, Ann Campbell/DC/USEPA/US@EPA, Julie Hewitt/DC/USEPA/US@EPA
Date: 01/19/2012 02:10 PM
Subject: APPROVED for OMB - Criteria and Standards for Cooling Water Intake Structures (5210)

Today OP approved and submitted to OMB the 316(b) NODA. That document is attached below.

Caryn Muellerleile
 Regulatory Management Division
 Office of Policy
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, NW (1806A)
 Washington, DC 20460
 (202) 564-2855
 (202) 564-0965 - fax
 muellerleile.caryn@epa.gov

From: Caryn Muellerleile/DC/USEPA/US
To: Alexander Cristofaro/DC/USEPA/US@EPA, Nicole Owens/DC/USEPA/US, Paul Balserak/DC/USEPA/US@EPA, Eileen Pritchard/DC/USEPA/US, Bruce Schillo/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US
Cc: Sandy Evalenko/DC/USEPA/US, Elizabeth Skane/DC/USEPA/US@EPA, Agnes Ortiz/DC/USEPA/US@EPA, Lynn Zipf/DC/USEPA/US, Ann Campbell/DC/USEPA/US@EPA
Date: 12/20/2011 05:26 PM
Subject: RECEIVED in OP for OMB - Criteria and Standards for Cooling Water Intake Structures (5210)

Today, OP received a copy of OW's Criteria and Standards for Cooling Water Intake Structures (SAN 5210). This NODA, attached below, is in OP for approval to go to OMB. This is a standard review. RAPIDS has been updated.

[attachment "EO12866_CoolingWaterIntakes 2040-AE95 NODA FRN 20111214.docx" deleted by Caryn Muellerleile/DC/USEPA/US]

Thank you,

Caryn Muellerleile
Regulatory Management Division
Office of Policy
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (1806A)
Washington, DC 20460
(202) 564-2855
(202) 564-0965 - fax
muellerleile.caryn@epa.gov

To: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US[]; N=Gregory Peck/OU=DC/O=USEPA/C=US[]
Cc: []
From: CN=Ann Campbell/OU=DC/O=USEPA/C=US
Sent: Thur 1/19/2012 7:59:38 PM
Subject: Re: Fw: Fw: Request for a Brief Phone Call with Administrator Jackson

Greg - fyi, OP sent the 316b NODA to OMB just an hour ago.

Ann Campbell
Office of the Administrator
U.S. Environmental Protection Agency
Mail Code: 1101

P: (202) 566-1370
C: (202) 657-3117
F: (202) 501-1428

From: Nancy Stoner/DC/USEPA/US
To: "Gregory Peck" <Peck.Gregory@epamail.epa.gov>
Cc: "Ann Campbell" <Campbell.Ann@epamail.epa.gov>
Date: 01/19/2012 02:47 PM
Subject: Fw: Fw: Request for a Brief Phone Call with Administrator Jackson

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Date: 01/19/2012 11:08 AM

Subject: Re: Fw: Request for a Brief Phone Call with Administrator Jackson

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Laura - if you can have talking points ready by COB, that would be helpful and appreciated.

Thanks again.

Ryan

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202-564-2856 Office
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----- Forwarded by Ryan Robison/DC/USEPA/US on 01/19/2012 09:42 AM -----

From: "Arcarese, Debi" <Debi.Arcarese@NextEraEnergy.com>
To: scheduling@EPA
Date: 01/19/2012 09:26 AM
Subject: Request for a Brief Phone Call with Administrator Jackson

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Thank you very much for your consideration.

Kind regards,
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Debi Arcarese
Assistant to Lewis Hay, III, Chairman & CEO
NextEra Energy, Inc., 700 Universe Blvd., Juno Beach, FL 33408
Phone: 561-694-4660 / Fax: 561-694-3337

Debi.Arcarese@NextEraEnergy.com

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Cc: []
From: CN=Ann Campbell/OU=DC/O=USEPA/C=US
Sent: Fri 1/20/2012 12:17:59 AM
Subject: Re: Fw: Fw: Request for a Brief Phone Call with Administrator Jackson

I'm on the phone right now with Lynn Zipf reviewing the TPs.

Ann Campbell
Office of the Administrator
U.S. Environmental Protection Agency
Mail Code: 1101

P: (202) 566-1370
C: (202) 657-3117
F: (202) 501-1428

From: Nancy Stoner/DC/USEPA/US
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Nancy Stoner
Acting Assistant Administrator for Water
US Environmental Protection Agency

Telephone: (202) 564-5700
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001

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Thanks again.

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Sent: Fri 1/20/2012 12:22:35 AM
Subject: Re: Fw: Fw: Request for a Brief Phone Call with Administrator Jackson

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U.S. Environmental Protection Agency
Mail Code: 1101

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Cc: []
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From: CN=Nancy Stoner/OU=DC/O=USEPA/C=US
Sent: Tue 9/20/2011 11:00:38 PM
Subject: Fw: Next Industry Stakeholder Coffee, Wednesday, September 21, 2011, 9:00 am.

for my 9 am

Nancy Stoner
 Acting Assistant Administrator for Water
 US Environmental Protection Agency

Telephone: (202) 564-5700
 FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001

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----- Forwarded by Nancy Stoner/DC/USEPA/US on 09/20/2011 07:00 PM -----

From: Sonia Altieri/DC/USEPA/US
To: Nancy Stoner/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, Ellen Gilinsky/DC/USEPA/US@EPA
Cc: Travis Loop/DC/USEPA/US@EPA
Date: 09/20/2011 06:05 PM
Subject: Next Industry Stakeholder Coffee, Wednesday, September 21, 2011, 9:00 am.

In preparation for the industry stakeholder meeting tomorrow, attached is the agenda and more details for your reference. Please let me know if you have any questions.

Jeff Longworth and Fred Andes at B&T requested the stormwater and water quality update.

Stormwater Update

- Status of stormwater numeric limit guidance memorandum
- Status of post-construction rulemaking and report to Congress
- Impact of CGP proposal from withdrawing C&D ELG rulemaking from OMB review
- Combined Sewer Overflows and integrated planning for wet weather infrastructure investments: providing flexibility. Jim Hanlon will represent OWM.

Water Quality Update

- Status of work with states on nutrients criteria (Ephraim King/OST)
- Status of guidance on 303(d) listings based on antidegradation (Tom Wall/OWOW)
- Status of water quality standards rulemaking (Ephraim/OST)

Regulation Update (Ephraim/OST)

- Status of 2010 304(m) Final Plan: Effluent Guidelines. Requested by Jeff Longworth and Fred Andes/B&T.
- Cooling Water Intake Structures Rule 316(b). Requested by David Dunlap, Koch Companies Public Sector, LLC.

Drinking Water Update (Cynthia Dougherty/OGWDW)

- EPA's response to GAO Report "Environmental Health: Action Needed to Sustain Agencies'

Collaboration on Pharmaceuticals in Drinking Water". Request from Barbara Losey, Inter-Industry Network on Microconstituents in Water. In her words, the report suggests that EPA and other federal agencies have no long-term strategy or formal agreement for collaborating on such research.

- Status of new initiative of looking at regulation of contaminants in drinking water by groups. Request from Jim Rollins, Policy Navigation Group.

- Update: EPA's activities on perchlorate. Request from Jim Rollins. He is interested in an update on the date and proposed agenda for EPA's Perchlorate Stakeholder meeting. In the development of an MCL, how does EPA/OW intend to approach the health risk reduction and cost analyses for perchlorate as required under the Safe Drinking Water Act? At what point in the proposed MCL process will EPA engage the SAB and the NDWAC?

- Update: Hydraulic Fracturing Study

----- Forwarded by Sonia Altieri/DC/USEPA/US on 09/15/2011 03:31 PM -----

From: Sonia Altieri/DC/USEPA/US

To:

Date: 09/15/2011 03:30 PM

Subject: Next Industry Stakeholder Coffee, Wednesday, September 21, 2011, 9:00 am.

Attached is the agenda for the 9/21 industry stakeholder meeting.

We look forward to seeing you next week! Best, Sonia

[attachment "Industry Stakeholder_Sept 2011Agenda.docx" deleted by Nancy Stoner/DC/USEPA/US]

----- Forwarded by Sonia Altieri/DC/USEPA/US on 09/15/2011 03:19 PM -----

From: Sonia Altieri/DC/USEPA/US

To:

Date: 08/31/2011 04:29 PM

Subject: Next Industry Stakeholder Coffee, Wednesday, September 21, 2011, 9:00 am.

Good Afternoon!

Your next Coffee with the Office of Water is scheduled for Wednesday, September 21, 2011, 9:00 - 10:00 a.m., in EPA's Office of Water Conference Room 3233, EPA East Building, 1201 Constitution Avenue, N.W. The entrance to the Building is on Constitution Avenue closest to 12th Street, directly across from the National Museum of American History.

Please submit your agenda items to me no later than Monday, September 12, 2011. Please make sure that your agenda items are as specific and detailed as possible. I cannot accept any submissions after the agenda has been approved. A call-in number will be provided with the approved and final agenda.

Plan to arrive no later than 8:45 a.m. to allow enough time to get through security, as we've had some delays in the past and wish to start promptly at 9:00 am. After you have signed in and gone through security, please have the guard call 564-5700 for an escort.

Thank you, and we look forward to seeing you next week!

Best wishes,

Sonia Altieri
Director of Outreach
Office of Water
U.S. Environmental Protection Agency (4101M)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Tel. (202) 564-0243
Blackberry: (202) 380-6802

To: "Ephraim King" [king.ephraim@epa.gov]
From: CN=Nancy Stoner/OU=DC/O=USEPA/C=US
Sent: Tue 10/4/2011 1:44:46 PM
Subject: Fw: 316b letter

Looks like you are nominated
Nancy K. Stoner

----- Original Message -----

From: Ellen Gilinsky
Sent: 10/04/2011 09:17 AM EDT
To: Nancy Stoner; Bob Sussman
Cc: Arvin Ganesan
Subject: Re: 316b letter

Oops I am in raleigh giving talk can ephraim go

----- Original Message -----

From: Nancy Stoner
Sent: 10/04/2011 08:57 AM EDT
To: Bob Sussman; Ellen Gilinsky
Cc: Arvin Ganesan
Subject: Re: 316b letter

Not me -- I'll be testifying
Nancy K. Stoner

----- Original Message -----

From: Bob Sussman
Sent: 10/04/2011 08:43 AM EDT
To: Nancy Stoner; Ellen Gilinsky
Cc: Arvin Ganesan
Subject: 316b letter

Nancy/Ellen -- OCIR has put together the attached letter on 316(b) **Ex. 5 - Deliberative** let Arvin know if you have any concerns.

There's also a meeting this afternoon with the CEQ CEOs and one of you should attend.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

[attachment "316b.docx" deleted by Nancy Stoner/DC/USEPA/US]

To: CN=Ephraim King/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Nancy Stoner/OU=DC/O=USEPA/C=US
Sent: Tue 10/4/2011 2:14:41 PM
Subject: Re: Fw: 316b letter

Let's send Mary to the meeting and Ephraim to the hearing, thx
Nancy K. Stoner

----- Original Message -----

From: Ephraim King
Sent: 10/04/2011 10:11 AM EDT
To: Nancy Stoner; Ellen Gilinsky
Cc: Ephraim King
Subject: Re: Fw: 316b letter

Ephraim and Mary are willing to cover this meeting. However, it does mean EK will not be able to go to hearing. Do you have a preference?

Lynn Zipf for

Ephraim King
Director
Office of Science & Technology
1200 Pennsylvania Ave., NW
Mail Code 4301T
Washington, DC 20460
Voice: (202) 566-0430
Fax: (202) 566-0441
king.ephraim@epa.gov

From: Nancy Stoner/DC/USEPA/US
To: "Ephraim King" <king.ephraim@epa.gov>
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Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

[attachment "316b.docx" deleted by Nancy Stoner/DC/USEPA/US]

To: "Robert Wood" [Wood.Robert@epamail.epa.gov]
From: CN=Nancy Stoner/OU=DC/O=USEPA/C=US
Sent: Thur 12/15/2011 12:37:51 AM
Subject: Fw: FERC, EPA, and DOE

I think for us that is 316b. Not sure who is on point at EPA on this. Can you follow up?
 Nancy K. Stoner

----- Original Message -----

From: "Azar, Lauren" [Lauren.Azar@Hq.Doe.Gov]
 Sent: 12/14/2011 01:19 PM EST
 To: Julia Miller; Joe Bryson; Cynthia Giles-AA; Lawrence Starfield; Lisa Lund; David Hindin; Nancy Stoner; aastanislaus; Joseph Goffman; Gina McCarthy; Maryt Smith; Paul Shriner; Mark Eads; "joseph.mcclelland@ferc.gov" <joseph.mcclelland@ferc.gov>; "michael.bardee@ferc.gov" <michael.bardee@ferc.gov>; "james.pederson@ferc.gov" <james.pederson@ferc.gov>; "john.carlson@ferc.gov" <john.carlson@ferc.gov>; "martin.kirkwood@ferc.gov" <martin.kirkwood@ferc.gov>; "christy.walsh@ferc.gov" <christy.walsh@ferc.gov>; "jaime.simler@ferc.gov" <jaime.simler@ferc.gov>; Phillip Brooks; Peter Tsirigotis
 Cc: "Smith, Becca" <Becca.Smith@hq.doe.gov>; "Mansueti, Lawrence" <Lawrence.Mansueti@hq.doe.gov>; "Callaghan, Caitlin (CONTR)" <Caitlin.Callaghan@Hq.Doe.Gov>; "Stone, Renee" <Renee.Stone@Hq.Doe.Gov>; "Bindewald, Gilbert" <Gilbert.Bindewald@hq.doe.gov>; "DeCesaro, Jennifer" <Jennifer.Decesaro@hq.doe.gov>; "Richards, John" <John.Richards@Hq.Doe.Gov>; "Hoffman, Patricia" <Pat.Hoffman@hq.doe.gov>
 Subject: FERC, EPA, and DOE

Dear EPA and FERC Colleagues:

As a follow-up to the FERC technical conference, I thought it would be helpful if FERC, DOE and EPA would meet to discuss our respective roles and responsibilities as the EPA rules begin to affect the electric generation industry. The rules are expected to come out on or before the 16th, so I would recommend a meeting next week. Given the importance of this topic, I am willing to clear my calendar for a time that captures as much of this group possible. I propose we consider meeting at DOE next Tuesday, December 20th at 3:00pm (with a call in line).

Please identify a lead contact for your office and have him/her contact Becca Smith at Becca.smith@ee.doe.gov (or 202-586-9788) to rsvp or propose alternative times for your representatives. If there are critical contacts not included on this email, please include them as well. Becca will send a calendar invite for the time that works best by COB tomorrow.

P.S. While we should ultimately include NERC in our discussions, we can invite them after the federal agencies have had an opportunity to discuss this topic among themselves.

Thank you,

Lauren Azar
 Senior Advisor to the Secretary
 U.S. Department of Energy

To: CN=Robert Wood/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Nancy Stoner/OU=DC/O=USEPA/C=US
Sent: Thur 12/15/2011 1:42:35 AM
Subject: Re: FERC, EPA, and DOE

Oh, yeah. Thanks for reminding me. Where are we on negotiations re changing that date?
 Nancy K. Stoner

----- Original Message -----

From: Robert Wood
 Sent: 12/14/2011 08:17 PM EST
 To: Nancy Stoner
 Cc: "Jeff Lape" <lape.jeff@epa.gov>; Ephraim King; Maryt Smith
 Subject: Re: FERC, EPA, and DOE

Yes, I'll follow up and let you know result. Remember we also have Steam Electric Power ELG on track for July NPRM.

Robert Wood, Deputy Director
 Engineering and Analysis Division
 Office of Science and Technology
 Office Water
 U.S. EPA
 202-566-1822 (w)
 202-329-8053 (c)

----- Original Message -----

From: Nancy Stoner
 Sent: 12/14/2011 07:37 PM EST
 To: Robert Wood
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 Cc: "Smith, Becca" <Becca.Smith@hq.doe.gov>; "Mansueti, Lawrence" <Lawrence.Mansueti@hq.doe.gov>; "Callaghan, Caitlin (CONTR)" <Caitlin.Callaghan@Hq.Doe.Gov>; "Stone, Renee" <Renee.Stone@Hq.Doe.Gov>; "Bindewald, Gilbert" <Gilbert.Bindewald@hq.doe.gov>;

"DeCesaro, Jennifer" <Jennifer.Decesaro@hq.doe.gov>; "Richards, John" <John.Richards@Hq.Doe.Gov>; "Hoffman, Patricia" <Pat.Hoffman@hq.doe.gov>
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Thank you,

Lauren Azar
Senior Advisor to the Secretary
U.S. Department of Energy

To: stpc_staff@epa.gov[]
Cc: CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA[]; N=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA[]; N=Macara Lousberg/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Edward Ohanian/OU=DC/O=USEPA/C=US
Sent: Tue 11/27/2012 4:04:49 PM
Subject: OW's Response: OMB Peer Review Bulletin and EPA Science Inventory - FY 2012 Reminder
 OMB Peer Review Reminder FY 2012.pdf

Ex. 5 - Deliberative

(embedded image)

Dear STPC/SI Staff,

In response to Dr. Glenn Paulson's attached memo on "OMB Peer Review Reminder" dated October 23, 2012, OW has reviewed its entries in EPA Science Inventory (SI) and is pleased to confirm that the information in SI is accurate and up to date for OW projects which have been categorized as "influential scientific information" or "highly influential scientific assessments".

OW has only one new FY'13 HISA effort entitled:

Ex. 5 - Deliberative

Thank you.

Ed Ohanian
 OW Peer Review Coordinator

Edward V. Ohanian, Ph.D.
 Associate Director for Science
 Office of Water (MC: 4301T)
 (202) 566-1117 (Voice)
 (202) 566-0441(Fax)
<http://epa.gov/waterscience/>
<http://water.epa.gov/>

Mailing Address:
 U.S. Environmental Protection Agency
 Rm: 5231P/Q EPA East (MC: 4301T)
 1200 Pennsylvania Avenue, NW
 Washington, DC 20460

Address for Visitors and Deliveries:
 1201 Constitution Avenue, NW
 EPA East, 5th Floor, Rm: 5231P/Q
 Washington, DC 20004

